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Lahore

ا ا زمانہ بڑے شوق سے سن رہا تھا
ہمیں ~~ہی~~ سو گئے داستاں کہتے کہتے

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To

SALMA

My dear wife.

GLARING ERRORS IN PRINTING.

N. B.— We regret the errors in printing which crept in as the edition was published in a great hurry—Publisher.

Page 12—
Line 9 : Read "revelled" for "relished".
Page 18—
Line 7 : Read "indispensable" for "indispensible".
Page 19—
Line 1 : Read "CALENDAR" for "CALENDER".
Lines 4-5 : Read "CANONS" for "CANNONS".
Line 10 : Read "Iqbal" for "Ipbal".
Page 24—
Line 6 : Read "value" for "values".
Page 25—
Line 10 : Read "progress" for "progsess".
Page 30—
Line 6 : Read "outlook" for "out-look".
Page 30—
Line 22 : Read "precursors" for percursors".
Line 25 : Read "outset" for "out-set".
Page 31—
Line 1 : Read "rapidity" for "rapadity".
Page 34—
Line 15 : Read "thresholds" for "threshholds".
Page 39—
Line 22 : Read "womanhood" for "womenhood".
Page 48—
Line 26 : Read "spiritualise" for irpssiteuali".
Page 52—
Line 14 : Read "brethren" for "brethern".
Page 55—
Line 21 : Read "Lebanon" for "Lebnon".
Page 59—
Line 13 : Read "*obiter dicta*" for "*obiter dictas*".
Page 61—
Line 2 : Read "usurpers" for "userpers".
Page 77—
Line 2 : Read "Israel" for "Isreal".
Page 92—
Line 13 : Read "they" for "he".
Line 14 : Read "themselves" for "himself".
Line 14 : Read "their" for "his".
Page 114—
Line 30 : Read "label" for "lable".
Page 140—
Line 10 : Read "Centre" for "Central".
Page 149—
Line 3 : Read "Its" for "It's".
Page 150—
Line 19 : Read "confederacies" for "confedericies".
Page 154—
Line 28 : Read "ours" for "our's".
Page 156—
Line 6 : Read "referendum" for "refrendum".

CONTENTS.

ISLAMIC DEMOCRACY NEEDS A NEW SHAPE

FOREWORD

By

ALTAF HUSAIN

Editor, DAWN, Karachi

Since the passing of the Objectives Resolution by the Constituent Assembly of Pakistan most thinking minds have pondered the question how the Objectives, so felicitously defined in the Resolution, can be given practical shape and form. When, later, the Report of the Basic Principles Committee was published, the general reaction was in the nature of an anticlimax. The issue still hangs fire.

There is a great deal of abstract talking of an Islamic State and Pakistan being a laboratory of applied Islam. The talk has awakened correspondingly high hopes in the public mind. But, the promise is as shadowy as the expectation because no one really seems to know precisely how the Islamic State is to be achieved.

A truly noble zeal to do things according to Islam has thus led to a controversy which some times tends to verge on the ignoble. However all-knowing some may seem, there is a general sense of puzzlement which often seeks cover under the name of frustration. The rank and file profess to be impatient that the country's leadership delays the production of the promised Islamic Utopia.

A stream of literature on the subject is naturally pouring forth, of varying qualities. This is not an unmixed blessing, because ventilation of confused ideas on the subject may further confound the issues. But there is also the helpful way of an intelligent marshalling of useful data such as is fairly successfully attempted in this volume by Mr. Fareed S. Jafri. He is well qualified to do so because he has a background of considerable study.

The chapter which should be of special interest is the one entitled "Islamic Democracy Needs A New Shape". That is the crux of the matter. Talking of an Islamic system and thinking in terms of the Western system is an incongruity which is visible all around us. The spirit soars to the lofty heights reached in Omar's time, but eyes are fastened on the spires of Westminster. Most people pine for the simplicity and the purity of the period of the early Caliphate, but their minds are chained to the complex forms which the British brought here and which have proved so unsuited to the soil. This is one reason why we are getting nowhere, but other and graver reasons also exist.

Do we really understand what is applied Islam? Do we know what to apply and how to apply it? It should really be the simplest thing in the world to understand Islam whose fundamentals are so precisely defined in the Quran and which are at the same time so practical. And yet, over the application of such a simple code to the corporate life of a state, there is today so much uncertainty and often such controversy.

May it not be because in the process of time, theological, metaphysical and dialectical cobwebs have thickly overlayed what was so simple and intelligible in its pristine expression? May it not be that people today are attaching greater importance to what came after than to what went before; to the interpretations and annotations than to the text?

Learned men deserve respect—though where learning ends and blind dogma begins is not always clear. So ought the great exponents of the Islamic schools of thought and interpreters of the word of God to be given reverence. But, to enable an understanding of what Islam really bids man do in his practical life and in order to be a good citizen of a country or an admirable member of society, Muslims require no more than to study and understand the Book of God *themselves*.

Some of the Books Consulted

1. Government and Politics of Switzerland by R. C. Brooks.
2. Constitution by Viscount Bryce.
3. Law of the Constitution by A. V. Dicey.
4. Law of the English Constitution by A. V. Dicey.
5. Theory and Practice of Modern Government by H. Finer.
6. The British Constitution by H.R.G. Greaves.
7. Parliamentary Government in England by H. J. Laski.
8. English Constitutional History by A. L. Poole.
9. History of Federal Government by E.A. Freeman.
10. Grammar of Politics by H. J. Laski.
11. Federal and Unified Constitutions by A. P. Newton
12. The Development of European Polity by H. Sidgwick.
13. Select Constitutions of the World by A.P. Newton.
14. The American Political System by D.W. Brogan.
15. The Federalist by Hamilton, Jay and Madison.
16. The American Government by F. J. Haskin.
17. The State by Woodrow Wilson.
18. Modern Politics by G. D. H. and M. I. Cole.
19. Fascism by H. J. Laski.
20. The Fascist Experiment by Luigi Villari Etc., Etc.

THE MAKING OF PAKISTAN

Islamic Movement in Pre-partition India (Bharat).

Islam, which brought to the world the message of a new human brotherhood based on love, morality, fraternity, equality and prosperity for mankind, has struggled for nearly fourteen hundred years against the brute forces of the world and has marched onwards through the dark ages lit by the dazzling torch of the HOLY QURAN, the Book of Law for Humanity which God revealed to the world through Prophet Mohammad. The Muslims succeeded in overcoming many an obstacle and forged ahead with their mission of teaching the world the principles of true democracy and brotherhood. The Spirit of Islam not only swept throughout the East but also approached the West which was fast forgetting the teachings of Jesus, the Apostle of Peace.

In the East, while Islam swept through Africa, China and almost the whole of Central Asia, it was in India where it met with the greatest success. A handful of Muslim missionaries came trekking through the deserts of Arabia and Central Asia to deliver the message of Islam. While they stopped the swordsmen of Islam from many brutalities and acts of un-Islamic despotism, thus bringing to the inhabitants peace and tranquillity, they also taught them culture,

science and the rules of government.India, under them was the most prosperous continent on the surface of the globe. She attracted people from far and wide. She sparkled like a jewel and became a show-piece.

With the passage of time, the Muslim rulers began to seek comfort and an easy life of pleasure. The Spirit of Islam faded and soon the rulers became as if drugged. Their limbs refused to move; their ears did not hear, their very existence became precarious. The greedy hands of the West were already busy grabbing whatever they could. Then there came the great upheaval known to European historians as the Mutiny of 1857, but which in reality was a struggle for liberation, a revolution. As it is always the case with "revolutions," the vengeance of the victors came down heavily upon the vanquished and the first great slaughter of Muslims in India was witnessed.

The First Torch-Bearer

At this critical juncture when Islam had well-nigh ceased to exist in India, the first torch-bearer of Islam was born. He was SYED AHMAD KHAN, the founder and creator of the great Islamic educational centre at Aligarh, within hundred miles from Delhi. About the same time appeared on the horizon two other great men—MOHSINUL MULK and MOHAMMAD ALI. It was the former who for the first time in the history of the political movement

of the Muslims of India took an effective political step. He founded the All-India Muslim League in 1906 and tried to rally round the Muslims of the sub-continent under the Crescent and Star, the universal banner of Islam. Mohammad Ali was the first Muslim in the sub-continent of India who actively and vigorously devoted his life to the establishment of a world Muslim Government. He brought Muslims forward in India politics and gave them new hope and courage. When he died, Muslims suffered from frustration and futility as they saw ahead of them impenetrable darkness. Neither there was Syed Ahmad Khan, who with his policy of loyalty to the alien rulers and *Ijtehad* in matters of religion, had saved the Muslims from total obliteration, nor there remained his stalwarts, Mohsinul Mulk, Viqarul Mulk, Hali and, an heir to all of them, Mohammad Ali. However, neither of them had that driving and creative force necessary to transform herds of humanity into nations, rabbles into armies and wilderness into civilisation. There was need for a Quaid-i-Azam but the millat had to wait a very long time before such a great leader was born.

Two Parallel Movements.

Two notable parallel movements were started at the same period of Islam's decadence in India. The first, as we have mentioned above, was led by Syed Ahmad Khan and the other fourteen years later by SYED AMIR ALI, a great scholar of Islam who differed with Syed Ahmad in every respect.

Syed Ahmad's movement attempted at "saving the Muslims from the fury of the new masters." Syed Amir Ali's movement was to keep alive the pride in the past glories of Islam and to retain the spirit of Islam and be nourished by it.

As the time went by, the two movements separated widely. Syed Ahmad's movement was taken up and corrupted by self-seekers and a group of spineless politicians who relished in loyalty to the alien raj which rewarded them with petty titles and helped them to maintain their feudalism and serfdom. Syed Amir Ali's movement got impetus as soon as Mohammed Ali rebelled against the former group and took up the cause of the Spirit of Islam with his lashing pen and untiring tongue, aided very ably by his very big brother, SHAUKAT ALI.

At Last Links Were Found Between the Two.

Those very movements have ultimately culminated into Pakistan. IQBAL, born in 1873 and JINNAH born in 1876, became two links between the two movements. Iqbal was a man of words and Jinnah a man of action. Wedged between the spirit of the two movements, Iqbal, the great philosopher conceived the idea of Pakistan in 1930 and finally persuaded Jinnah, the great statesman, in 1937 to make it the new *jihad* cry.

Iqbal gave his message to the Muslims in 1931 at the All India Muslim League session held at Allahabad. He had returned disappointed from the first

Round Table Conference. Jinnah, the nationalist Indian liberal, was in London at the time Mohammad Ali had passed away. The AGA KHAN, who was at that time the *de facto* leader of the Muslim India, did not look beyond the British Empire.

Iqbal was the only Muslim leader who was able to read the Muslim mind. He declared at the League gathering : "If the principle, that the Indian Muslim is entitled to full and free development on the lines of his own culture and tradition in his own Indian homelands, is recognised as the basis of a permanent communal settlement, he will be ready to stake his all for the freedom of India." Iqbal believed that 'India is the best country in the world' but his conception of India was as 'the greatest Muslim country in the world.' Iqbal did not believe in communalism. He, in fact, believed : "A community which is inspired by feeling of ill-will towards other communities is low and ignoble. I entertain the highest respect for the customs, laws, religious and social institutions of other communities. Nay, it is my duty according to the teachings of the Quran, even to defend their places of worship, if need be."

Iqbal's First Conception of Pakistan.

When Iqbal laid down his practical proposition before the Muslims at the All-India Muslim League session at Allahabad (his Pakistan was to be a homeland for the people of the Punjab, the North-West Frontier Province, Sind and Baluchistan.) It was to

be a self-government within or without the British Empire. He said : "The formation of a consolidated North-West Indian Muslim State appears to me to be the final destiny of the Muslims, at least of North-West India". These words show that Iqbal had Eastern Pakistan in mind but was not confident of the capacity of the Muslims of the North-West forming a union with the Muslims of Bengal and maintaining that entity.

Iqbal's last words in 1931 were : " A redistribution of British India, calculated to secure a permanent solution of the communal problem, is the main demand of the Muslims of India."

Jinnah from his Hampstead home in the neighbourhood of which lived ,"once upon a time", *Keats*, the immortal songster of the English language, was weighing Iqbal's words. He had introduced, even as a nationalist Indian leader, the famous fourteen points for the safeguard of the rights of one hundred million Muslims of India when his own Muslim colleagues had turned a deaf ear to him. He was at the time leading the life of a very busy lawyer and had little time for active politics. His friends started appealing to him to return to India and take the leadership of the Muslims. He was not very much impressed by Iqbal and his compatriots, RAHMAT ALI and others, who wanted to divide India and carve out a homeland for the Muslims.

About the same time (1930), Iqbal had conceived the idea of Pakistan, Mohammed Ali had written to his daughter, now BEGUM SHOEB QURESHI: "The only way in which the Muslims could live was to rule in the provinces where they were in a majority and the Hindus to rule where they had a similar position." Jinnah was still not fully convinced. His correspondence with Iqbal, now published, shows that he was impressed but not fully convinced.

His faith in the leadership of Muslim India at that time had been badly shaken. Its goal was simply to bring about the emancipation of the Muslim masses, to secure for them the peace of slaves, like that of a well-fed bird in a golden cage. Jinnah's vision was much wider. He saw in Iqbal's idea, a new homeland for the Muslims of India, a revival of the lost glory of Islam and the creation of a focal point not only for the Muslims of the North-West of India or of the Eastern part of India but also a kind of political Mecca for the Muslims of the world.

Then came the first elections which were to decide the future of the Muslim nation in the sub-continent of India. The Muslim leaders now feverishly urged Jinnah to return to his homeland and to place himself at the helm of Muslim affairs. There were, of course, many parties and individual busy-bodies, all striving for leadership of the great masses of the Muslim peoples. Among those who now approached him with the most frantic appeal, was Iqbal who requested him not only to return and to shoulder the responsibility "for which he was destined by the

Almighty", but also to make "Pakistan" his rallying slogan, as "Pakistan alone could solve the vexing communal and constitutional problems." In that letter, Iqbal, for the first time, connected Bengal with Pakistan and asked, "Why should not the Muslims of North-West India and Bengal be considered as nations entitled to self-determination just as other nations in India and outside are?" In Iqbal's vision, Bengal was still a separate nation.)

Jinnah: the Leader of Mussalmans.

Jinnah returned and accepted the nation's trust. However his slogan was not "Pakistan" at that time. He was fighting the election of 1936 for the recognition of the All-India Muslim League as the representative body of the one hundred million Muslims of India. With all impressiveness Jinnah appeared on political firmament as a patriot with the full brilliance of a shining star who finally cast away the colours of the Indian National Congress. From that day he marched onward till he brought the Muslims of India under the full glory of their own distinctive nationhood with a horizon which they could call their own. He started at a time which seemed the very twilight of Muslim political life in India. With one type-writer and a secretary, and with LIAQUAT ALI KHAN as the organising genius, Jinnah launched his barque on the waters of Indian politics. The 1936 elections not only proved to the world that the All-India Muslim League was the sole representative of an overwhelming majority of the Muslims of India, but they brought to the fore a new Muslim leader of unique qualities.

Now Iqbal agitated for Pakistan with utmost enthusiasm. He reminded Jinnah that Pakistan alone could solve the vexed communal and constitutional problems. In a letter to Jinnah as early as 1937, he argued in favour of Pakistan and observed : " You are the only Muslim in India to whom the community has a right to look up to for safe guidance through the storm which is coming to North-west-India and perhaps to the whole of India."

Jinnah this time agreed with him but did not yet consider the time opportune for giving practical shape to the Poet's dream.

Iqbal continued to repeat his argument over and over again. He defined his conception as the likely basic ideal of the Muslim national group in the body-politic of India. Not envisaging a separate sovereign Muslim State in the days of the first Round Table Conference, Iqbal had quoted from the Nehru Report itself to support his argument. The report had pointed out on the question of the separation of Sind from Bombay: "To say from the longer viewpoint of nationalism that no communal provinces should be created is, in a way equivalent to saying from the still wider international viewpoint that there should be no separate nations. Both these statements have a measure of truth in them. But the staunchest internationalist recognises that without the fullest national autonomy, it is extraordinarily difficult to create the

international state. So also without the fullest national autonomy, and communalism in its better aspect is culture, it will be difficult to create a harmonious state."

Iqbal agreed with the authors of the Nehru Report that "communalism in its higher aspect, then, is, indispensible to the formation of a 'harmonious whole', in a country like India." He further explained: "The units of Indian society are not territorial as in European countries, India is a continent of human groups belonging to different races, speaking different languages and professing different religions. Their behaviour is not at all determined by a common race-consciousness. Even the Hindus do not form a homogeneous group. The principle of European democracy can not be applied to India unless the fact of communal groups is recognised."

Six years later, when Jinnah accepted the leadership of the Muslims of India, he transformed the loose conception of Iqbal into a beautifully worded legal document in a message to the *Spirit of Youth*, a journal of the students of Lucknow: "WE ARE A NATION, NOT A MINORITY, A NATION OF A 100 MILLION WITH OUR OWN DISTINCTIVE CULTURE AND CIVILISATION, LANGUAGE AND LITERATURE, ART AND ARCHITECTURE, NAMES AND NOMENCLATURE, SENSE OF VALUE AND PROPORTION, LEGAL LAWS AND MORAL CODES,

CUSTOMS AND CALENDER, HISTORY AND TRADITIONS, APTITUDES AND AMBITIONS, IN SHORT, WE HAVE OUR OWN DISTINCTIVE OUTLOOK ON LIFE. BY ALL CANNONS OF INTERNATIONAL LAW, WE ARE A NATION."

Jinnah repeated the same argument during negotations with Gandhi in 1945. From this, it is clear that Jinnah differed with Iqbal on the very fundamentals of Pakistan. While Ipbal was content with a homogeneous unit for the Muslims of his own province and the neighbouring martial provinces, Jinnah's Pakistan was to be a homeland for the entire one hundred million Muslims, even though they might have lived, as they are living today, on the soil of Bharat.

Iqbal presented the Muslim demand in 1931 "for the creation of a Muslim India," but eleven years later conditions had so changed that Jinnah insisted in 1942 in his famous Lahore resolution that "it is the considered view of this session of the All-India Muslim League that no constitutional plan would be workable in this country or acceptable to the Muslims unless it is designated on the following basic principles, viz, that geographically contiguous units are demarcated into regions which should be constituted with such territorial adjustments as may be necessary, that the areas in which the Muslims are numerically in a majority, as in North-west and Eastern zones of India, should be grouped to constitute 'independent

1931, " The Punjab with 56 percent Muslim population supplies 54 per cent of the total combatant troops in the Indian Army and if the 19,000 Gurkhas recruited from the independent State of Nepal are excluded, the Punjab contingent amounts to 62 percent of the whole Indian Army. The percentage does not take into account nearly 6,000 combatants supplied to the Indian Army by the North-west Frontier Province and Baluchistan. From this you can easily calculate the possibilities of North-west Indian Muslims in regard to the defence of India against foreign aggression. "

Jinnah knew the British better. He was not so sure of these percentages. He wanted to bargain on this defence question with Hindus and not with the British. He actually desired a joint struggle for a common end for the two peoples of the sub-continent. He declared in 1942. " Let the Hindus guard the South and the West. Let the Mussalmans guard the frontiers. Let us live as good neighbours and stand together and say to the world, " Hands off India— India for the Indians. "

Thus Iqbal and Jinnah between them became links in two separate movements......Syed Ahmad Khan and Syed Amir Ali......and finally culminated them into one movement of Pakistan. While Iqbal lives today as the guiding thought of the nation, Jinnah rules as the Quaid-i-Azam who shall never die.

The Birth of Pakistan.

The birth of Pakistan was announced on the 14th of August, 1947. As it happened, Pakistan proved to be the biggest Muslim State and the fifth largest on the map of the world.

Jinnah, now the acknowledged Quaid-i-Azam of the Muslim State of Pakistan, became its first architect. He was our first Amir and Salaar. He had made a poet's dream true. He had saved 80 million Muslims from total annihilation. He lived 13 months after the birth of the new Muslim homeland in the Indo-Pakistan sub-continent. Although he was then 72 years of age and his health and vitality were fast failing him, he shouldered the great weight of the events, that followed the birth of Pakistan, on his frail body with great determination, keeping his head high and his courage strong. He resolutely went ahead.

The same world which had seen the miracle of a bloodless victory of a nation and the birth of the new State in the shortest possible time in the history of the world, again was amazed at the great moral and material progress the State made under the guidance of its great architect in a period of bare 13 months.

When the beloved 'Father of the Nation' breathed his last on September 11, 1948, we had not even formulated the objectives of our Constitution. However, we were not such unfortunate orphans. We had with us his words of advice and guidance and his '*commands*' as our great national heritage.

OUR PROBLEM TODAY

More then three years have passed since the Quaid-i-Azam was recalled by the Almighty. We have continued to progress both morally and materially. We have created a definite place for ourselves in international affairs. The world has acknowledged our values, both strategic and otherwise. We have even translated our 'thoughts' into best possible constitutional objectives. But we have not so far succeeded in formulating the Basic Principles on which the structure of our State may be built. That is our main problem today.

We want such fundamentals for our constitution which will guarantee us a basically Islamic culture and civilisation, national language and literature, art and architecture, names and nomenclature, sense of value and proportion, legal laws and moral codes, customs and calendar, history and traditions, aptitudes and ambitions, in short a distinctive Islamic outlook on life and of life. We must preserve the spirit of Pakistan till eternity and for this we have to build up a structure which will hold up the weight of a nation of 80 millions and will not decay under the lashes of the winds and the storms of times.

No doubt the Quran lays down the fundamental principles for every aspect of our life but the details to be in harmony with the spirit of the age should always be worked out on that principle of *Ijtehad* so much emphasised by our great jurists and political scientists.

For the building materials and constructional aids, we will have to excavate in foreign Museums...American, British, Swiss, French and the Soviet Union as well as our own. (We will have to study with open and unprejudiced eyes the philosophies of life in all these democracies and will have to minutely examine the tenets of statehood in these modern and fully developed States.) We must accept all that is gold from these rich and productive mines for Islam encourages evolution. (Islam is all for progsess and prosperity. But at the same time, we must not forget that everything that glitters is not gold.)

These foreign conceptions and practices will not suit us wholly and completely. Some of them accept the earliest Nihilist view that there are differences between man and man. If one offers political equality, it denies economic equality. If the other offers economic equality it does not permit political liberty. Some of them confine fraternity to racial groups.

(We must pick and choose the best from all those, keeping always in view what we have picked and chosen have the fullest approval of Islamic fundamentals and are not opposed to Islamic Principles.)

(For this, we will have to start on our journey with a new outlook and vision./

The interim report on the Basic Principles, drafted by a committee appointed on March 12, 1949 by a resolution of the Constituent Assembly, was presented to the nation on September 7, 1950. The

nation did not approve it. The nation has now been asked to advance suggestions in accordance with the Objectives Resolution, passed by the Assembly on March 2, 1949 and approved by the nation, as the constitution of Pakistan is to be framed within the aims and objects set out in that resolution only.

We will do well to turn back the pages of the very short history of our movement for Pakistan and capture from them the Spirit of Pakistan as preserved by Iqbal and the Quaid-i-Azam.

NEED OF A REVOLUTION IN ISLAMIC THOUGHT

NOW that the consideration of the interim report of the Basic Principles Committee has been postponed, the public opinion has gained time to compose its thoughts and express it collectively and individually, which will no doubt facilitate our Constituent Assembly to frame a constitution agreeable to the largest number of people.

We find today the same anxiety about the future Constitution of Pakistan which the Father of the Nation read in the minds of the people only a few months after the birth of our State.

Quaid-i-Azam's Promise.

The Quaid-i-Azam asked the Muslims at a public meeting on January 18, '48 : " Why this feeling of nervousness that the future Constitution of Pakistan is going to be in conflict with *Shariat* laws ? " He said that he could not understand the section of the people who kept on impressing on everybody that the future should be based on *Shariat*. " They are people," the Quaid-i-Azam warned, "who deliberately want to create mischief and make propaganda that we will scrap the *Shariat* law. Islamic principles have no parallel. Today they are as applicable in actual life as they were 1300 years ago.

" Islam and its idealism have taught democracy. They have taught equality of man, justice and fairplay to everybody. "

Before the Quaid-i-Azam was the example of the Prophet of Islam and he had visualised that any constitution of Pakistan would be based on those very fundamental laws which were given to the world by the great Prophet. He recalled soon after the establishment of Pakistan that, " Prophet Mohammad was a great teacher. He was a great law-giver. He was a great statesman, and he was a great sovereign who ruled. "

Explaining his concept of an ideal state, the Quaid-i-Azam explained : " No doubt there are many people who do not quite appreciate this when we talk of Islam. Some of our non-Muslim friends do not quite appreciate this when we talk of Islam. Islam is not only a set of rituals, traditions and spiritual doctrines, Islam is a code for every Muslim, which regulates his life and his conduct in all aspects, social, political, economic, etc. It is based on the highest principles of honour, integrity, fairplay and justice for all. One God, equality and unity are the fundamental principles of Islam. In this religion there was no difference between man and man. Equality, liberty and fraternity were its main principles.

Objectives Resolution.

The 'Objectives Resolution' passed by the Constituent Assembly on March 12, 1949, which was introduced by the Prime Minister himself, was based on the very objectives of Islam.

The pledge was given to the nation that "the State shall exercise its powers and authority through the chosen representatives of the people," and that "the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam shall be fully observed." The resolution also stated that "the Muslims shall be enabled to order their lives in the individual and collective spheres in accord with the teaching and requirements of Islam as set out in the Holy Quran and the Sunna." Guarantees were also given on "fundamental rights, including equality of status, of opportunity and before law, social, economic and political justice and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality." Promises were also given for the maintenance of an 'independent judiciary' and the 'integrity of territories of the Federation.'

When 20 months after the passage of the Objectives Resolution, the "Basic Principles" were formulated by the Constitution-making Committee, sensitive public opinion was roused to almost a fanatic pitch against them. Some said that they were fascist principles; others complained they were not Islamic. In the heat of the day, both groups forgot what they were talking about.

If the critics had studied Muslim Jurists of earlier centuries, they would have been left with no doubts of the sincerity of purpose behind basic principles. The difficulty is that we have lived in the 'Past' for

a very long time now. There is an immediate need of a revolution in Islamic thought today. We have to build the new Islamic State of Pakistan round this new Islamic thought. Once we are convinced of this, we will be able to examine the " Basic Principles " with a new vision and with a more healthier out-look. Where should we search for the new Islamic thought ?

Iqbal's Islamic State.

Pakistan was first conceived by Poet and Philosopher Iqbal. He actually guided the first group of Pioneers in their onward march towards the goal he had dreamt in the company of a few friends in a Bohemian corner of London. Like Marx, the father of Communism, Iqbal also worked on his concept of Pakistan in London. There, along with the idea of Pakistan, he conceived a new vision of Islam and he preached it with a dynamic spirit of *Ijtihad.*

It is a great pity that we did not remember Iqbal while formulating the Basic Principles. If we had done that, there would have been little controversy today. This was the advice of even our Quaid-i-Azam. He said of Iqbal that " he was one of the most powerful tacit percursors and heralds of the modern political evolution of Muslim India (pre-partition)——who took a practical view of things."

At the very out-set of his movement for creating a revolution in Islamic thought, Iqbal advocated : " The most remarkable phenomenon of modern

history, however is the enormous rapadity towards the West. There is nothing wrong in this movement, for European culture, in its intellectual side, is only a further development of some of the most important phases of the culture of Islam :

In the West intellect is the soure of life,
In the East love is the basis of Life.

Through love intellect grows acquainted with reality,
And intellect gives stability to work of Love.

Arise and lay the foundation of New world
By wedding intellect to Love.

Iqbal's call to the Muslim nation was to develop an " impatient invitation " to bring forth a " revolution in Islamic thought " which he considered necessary for the survival of Islam. His message was :

The Pith of life is contained in action
To delight in creation is the law of life,
Arise and create a new world !
Wrap thyself in flames, be an Abraham !
To comply with this world which does not favour thy purpose
Is to fling away thy buckler on the field of battle
The man of strong character who is master of himself
Will found fortune complaisant.
If the world does not comply with his humour,

He will try the hazard of war with Heaven,
He will dig up the foundations of the
Universe,
And cast its atoms into a new mould—
By his own strength he will produce
A new world which will do his pleasure.

According to CANTWELL SMITH, the author of "MODERN ISLAM IN INDIA," the centre of Iqbal's significance lay there.

Those who are even today the defenders of classical Islam forget this simple fact that there is a need of a revolution today in the classical Islamic thought. Praising classical Islam, Smith, agrees with our theologians and orthodox thinkers that Islam at its highest "was a religion admirably conceived to give courage, dignity and serenity to man facing a life of adversity and to give him charity towards his fellow men." However, he advises a revolutionary change in Islamic thought as advocated by Iqbal for he believes that "today it would function in this radically new world in which we find ourselves, it must be refashioned to give dynamic initiative and vision to man facing a life of opportunity, and to give him creative love towards the community of his fellow-men."

Azad School.

What actually the Moulanas, both classical and modern, are saying today without realising the 'March of Time', surprisingly enough MOULANA ABUL

KALAM AZAD, Minister of Education in Hindu-Bharat, had said 37 years ago. Moulana Azad, like Moulana Mouddodi of today wrote then:

"It is my firm belief that any idea acquired from other than the Quranic source amounts to clear *Kufr*, politics not being an exception. It is a pity that most of our Muslim brethern could never see Islam in its glory nor could they appreciate its true worth and greatness. Otherwise in quest of a political goal, we would have been spared the mortification of having to bow before an alien government or just attaching ourselves to the Hindus as the latter's camp-followers and for guidance in every walk of life we should have turned to the Quran—that invaluable gift of God to mankind which enabled us to become the first instructors of mankind in so many arts and sciences.

"Islam brought for mankind a complete and perfect code, and there is no sphere of human activity which it does not cover or leaves uninstructed. Islam rightly takes pride in its teachings of unity of God and it can never tolerate its followers seeking guidance elsewhere, turning before others or running after other ideologies. (In every walk of life, whether it be temporal or spiritual as rulers or as the ruled, civil or military, social, cultural or political, it contains a perfect and complete code of conduct for the guidance of the Muslims.) I believe that a Mussalman ceases to be a Mussalman as soon as he forgets any of his thoughts or actions, draws upon any other

source than that of the Quran or follows any other organisation than that of the Mussalman. Not only that, he is also guilty of *Shirk* and therefore a *Mushrik.*'

What became of this Islam at its highest? Is there any part in the world of today where this 'Classical Islam' may be found? According to Azad's own definitions of Islam and Quranic teachings, he himself today is a *Mushrik*. And so would be found other *moulanas* too. Azad had concluded, and so does every Moulana in any religious or political argument, that "they (Muslims) are His trusted people. And the Almighty would naturally not like His chosen servants to bow their heads over other threshholds than His Own." Because they did not 'refashion' their Islamic Constitutions with a 'dynamic initiative' and 'vision' everyone of the Muslim countries is bowing it's head today over "other threshholds than His Own".

Iqbal more Realistic.

Iqbal's conception of Islam was more realistic and nearer to better understanding of the Quran. He argued: "Islam demands loyalty to God, not to thrones. And since God is the ultimate spiritual basis of all life, loyalty to God virtually amounts to man's loyalty to his own ideal nature."

If Iqbal was alive today, he would have most heartily welcomed the 'Objectives Resolution' for he believed that "the primary source of the law of Islam

is the Quran.") At the same time, he would not have rejected the "Basic Principles" in toto for he also believed that "the Quran however, is not a legal code. Its main purpose is to awaken in man the higher consciousness of his relation with God and the Universe. No doubt the Quran does lay down a few general principles and rules of a legal nature, especially relating to the family......the ultimate basic of social life. The Quran considers it necessary to unite religion and State, ethics and politics, in a single revelation much in the same way as Plato does in his Republic. The important point to note in this connection, however, is the dynamic outlook of the Quran.

"The claim of the present generation of Muslim liberals to re-interpret the foundational legal principles in the light of their own experiences and the altered conditions of modern life is, in my opinion, perfectly justified".

"Let the Muslim of today appreciate his position, reconstruct his social life in the light of ultimate principles and evolve, out of the hitherto partially revealed purpose of Islam, that spiritual democracy which is the ultimate aim of Islam".

Iqbal considered Islam to be a 'social polity'. He believed "it was the duty of the world of Islam today to understand the real meaning of what has happened in Europe and then to move forward with self-control and a clear insight into the ultimate aims of Islam as a social polity."

Actually, a section of the critics of our Government today are insisting on the retention of the traditions of the Arabian imperialism which in the course of time became part and parcel of the classical Islam. Iqbal, on the otherhand, has insisted on his dream-state of Islam in the Indian sub-continent... " to get the opportunity to rid itself of the stamp that Arabian imperialism was forced to give it, to mobolize its laws, its education, its culture, and to bring them into closer contact with its own original spirit and with the spirit of modern times."

When Iqbal wrote to the Quaid-i-Azam in 1936, " you are the only Muslim in India to whom the community has a right to look up to for safe guidance through the storm...", he had built up a complete conception of Pakistan in which Pakistan was to be modelled on the lines of Turkey and not Saudi Arabia, and Jinnah was to take the role of Ataturk and not that of the Arab Sultans.

Introducing a new structure of Islam, Iqbal said, " If the renaissance of Islam is a fact, I believe it is a fact, we too one day, like the Turks, will have to re-evaluate our intellectual inheritance. And if we cannot make any original contribution to the general thought of Islam, we may, by healthy conservative criticism, serve at least a check on the rapid movement of liberalism in the world of Islam."

Exhorting the Muslims to " Ijtihad ", which in the terminology of Islamic law means to make an

effort to form an independent judgement on a legal question, Iqbal believed that the " idea had its origin in a well-known verse of the Quran : " And to those who make an effort we show our path." We find it more definitely again in a tradition of Prophet Mohammad. *When Muaz was appointed ruler of Yemen, the Prophet is reported to have asked him how he would decide matters coming up before him. 'I will judge matters according to the Book of God', he said. 'But if the Book of God contains nothing to guide you?' 'Then I will act on the precedents of the Prophet of God'. 'But if the precedents fail?, 'Then I will make an effort to form my own judgement'.*

While Iqbal would have welcomed a rational *Ijtihad* in Pakistan he would have rejected the over-organised communist society, for " there the individual is altogether crushed out of existence. He gathers the whole wealth of social thought around him, and loses his own soul. " At the same time, Iqbal, would have warned a certain section of Pakistanis that a " false reverence for past history and for its artificial resurrection constitutes no remedy for a people's decay. The verdict of history, as a modern writer has happily put it, is that worn-out ideas have never risen to power among a people who have worn them out. "

The spokesmen of Islam today may say that Iqbal had not thoroughly understood the glory of an Islamic State at it highest. It is not true. Iqbal himself was

greatly influenced by the Muslim jurists of the earlier countries, men like, Farabi, Tusi, Ghazzali, Abu Hanifa, Zuhri, Amidi, Malik, Shafi and Wahab, all of whom were constitutionalists and on whose drafts the constitutions of the Iranian and Arab kingdoms were based.

We will examine here briefly some of the fundamentals of their respective constitutions, as under their light we shall see where Iqbal differed and sought radical changes in the body-politic of Pakistan.

First Islamic Constitution.

According to Brockelman, the earliest philosophical treatise on the principles of politics and administration was *Suluk-ul-Malik fi Tadbir-Mamalik* which was compiled by Shihabuddin, popularly known as IBN ABI RABI in the reign of the eighth Abbasid Caliph MUTASIM, the son and brother of two great Rashids, Haroon and Mamoon. Ibn Rabi's constitution formed the basis of Mutasims government. Ibn Abi Rabi is believed to have consulted some Christian philosophers, HUNAIN IBN ISHAQ and JURIS IBN BKHTISHU, who also introduced the Yunani medicine to the Arab world, from where in due course it spread to the entire orient and is still considered by millions as the last word in medicine.

Mutasim's government in the eighth century was run under a cabinet system which had the Ministers of Revenue, Agriculture, War and Defence. Police

and Foreign Affairs under a Prime Minister who, infact, was a Christian, FADL IBN MARWAN.

JURJI ZAIDAN considered this first attempt at setting up a constitutional government " of great utilitarian value, dealing with politics, sociology, philosophy, physics, mathematics (economic affairs) and music (Arts), and is divided into four parts, namely (i) introduction (ii) principles of ethics and its sub-divisions (iii) the significance of human wisdom and its regulation (iv) politics, its division and its organisations. All these topics further sub-divided into chapters and their enunciation and rules are described in column form or tables in the best of style."

This " earliest Islamic" constitution was based on the principle that " God has created in man a sense of liking for his fellow-men as well as strong leaning towards collective action."

IBN RABI particularly laid stress on " mutual co-operation ", " light taxation according to the scale laid down by law ", " safety of property ", " honour of their womenhood ".

On the question of Sovereignty, " the will of the Divine Providence " was " that heads of society should be appointed to see that the Divine laws for organisation of the people and their unity of action are properly enforced ".

The author follows this with thirteen pre-requisites " which should be native to the ideal ruler " and

among these are to be found " physical and mental superiority, love of knowledge and truth, and the ruler should at the same time be a lover of justice and hater of tyranny and oppression, while he should consider this life cnly a passing phase and live for the sole desire of doing good to his people."

While practicially all of this is quite alien to the modern conception of a secular state except perhaps the idea of the " Divine Laws ", one thing strikes at the very root of Islam, the introduction of the earliest Nazism we know of. Abi Rabi compromised with the Greeks on " annihilation of the individual in the state, a thought which has reached us through Hegel in the extreme form of German Nazism."

While he believed in " equality between the races " and " perfect religious and recial toleration " which were some of the great fundamentals of Islam, his support of nihilism, which is little different to the present day Stalinism, and the imperial autocratic rule of his Divine Sovereign inspite of the thirteen pre-requistes, were complete denial of all that Islam stood for. I find that this concept has been vehemently attacked by Hanafi, Shafii, and Wahabi jurists and men like Sir Syed Ahmed, Syed Amir Ali, Maulana Mohammad Ali and Quaid-i-Azam Jinnah.

Farabi.

Farabi (Abu Nasr Mohammad Ibn Mohammad Ibn Turkhan Al-Farabi) who followed Ibn Abi Rabi, was a Turk and educated and brought up by Greek

Savants and was thus greatly under influence of Greek philosophy. At the time, the Islamic world was not only under Greek and Christian philosophical influence, it was as disrupted as it is today. The Caliph occupied the holy seat at Baghdad but in actuality he was no better than a puppet. While the Abbasi rulers gathered round them the masters of all the arts and sciences from every nook and corner of the world, the Caliphate was no better than a marionette show. In this case, the rope had many strings, which were in the hands of a number of chieftains, governors and self-styled Amirul-Momineens. These were mostly non-Arab and Shi'a in faith. They kept the divine link with the imperial seat but moved it about at the instance of their little fingers. Islam, though it had benefitted by the impact of science, particularly the science of medicine, had also suffered brutally under the growing influence of Plato, Aristotle and other Greek writers and philosophers. The constitution of the Caliphate was Islamic in name only.

Farabi in his constitutional and philosophical treatise followed the same principles as Ibn Abi Rabi. He also started with the explanation of the "human intellect and powers" and "essentials of human unity" and theory of mutual renunciation of rights which incidentally is "at the bottom of peaceful occupations and incidents of statehood, and if it comes to pass that inspite of this *facet compact* a citizen tries to press down a section of the population, all the others join hands, and by mutual help retain their

liberty." Being ignorant of the Quranic language, he totally missed the point of sovereignty as did his predecessor, and defined his "all-knowing and all-powerful philosopher sovereign" as one "who should have no other interests but those of the State." He definitely believed in a supreme leadership, but at the same time was reconciled to the "Guardians of the State", similar to the Governors of today, and likewise chosen and nominated by the sovereign or the supreme leader.

Like Ibn Abi Rabi, Farabi also gave twelve prerequisites for the sovereign.

FARABI BELIEVED IN "THE ESSENTIAL UNITY OF THE COMMONWEALTH INSPITE OF THE OBVIOUS DIVERSITY OF ITS COMPONENT PARTS."

Others.

Besides Ibn Abi Rabi and Farabi, there were among prominent early Muslim iurists, Ghazzali, Ibn Bajjah, Ibn Rushd, Ibn Tufail, Ibn Khaldun and Tusi, who dealt with the "science of the Government as ideal." They dealt with theory, origin, conception, sovereignty and form of the state.

Details of their conceptions may be read in PROFESSOR SHERWANI'S MASTER-PIECE "EARLY MUSLIM POLITICAL THOUGHT AND ADMINISTRATION". No doubt when the actual constitution-compiling starts, these and many others will

be thoroughly studied in their Arabic originals and not altogether ignored. The constitutions of many Islamic States are based on these very works.

However, the best guide, our Constitutionalist will find, is their own man, their greatest philosopher-poet, Iqbal, who swore by the Quran that his entire message was the Quranic message.

Farabi and others of that age believed in kingships and empires, based on Platonic concepts, but did not altogether ignore the human rights and the value of the individual, except Ibn Abi Rabi. Iqbal said it was un-Islamic for thrones to demand man's loyalty. " Islam demands loyalty to God and since God is the ultimate spiritual basis of all life, loyalty to God virtually amounts to man's loyalty to his own ideal nature ", he said.

Iqbal only Practical Guide.

Thus we come to the conclusion that Iqbal is the only sensible and realist guide for Pakistan today.

Being a believer in exertion or Ijtihad, Iqbal found support in " the early doctors of law, both of Arabian and non-Arabian descent ", who recognised three degrees of *Ijtihad* : (i) complete authority in legislation ; (ii) relative authority ; (iii) special authority which relates to the law determining the law applicable to a particular case left undetermined by the founders."

Munawar P.C.S Candidate

Among all the Muslim jurists Iqbal seemed impressed only by MOHAMMAD IBN ABDUL WAHAB whose movement according to him "was really the first throb of life in modern Islam. To the inspiration of this movement are traceable, directly or indirectly, nearly all the great modern movements of Muslim Asia and Africa, e. g., the Sennusi movement, the pan-Islamic movement, and the Babi movement, which is only a Persian reflex of Arabian protestantism." But Iqbal was not altogether satisfied with *Wahab's Jihad* as "its vision of the past is wholly uncritical, and in matters of law it mainly falls back on the traditions of the Prophet."

At this stage Iqbal simply turned to Turkey for his own guidance and was greatly impressed by Halim Sabit's new theory of Mohammadan law grounded on modern sociological concepts.

Halim Sabit's New Theory.

Iqbal preferred Halim Sabit's view on new Islamic thought, particularly on the republican form of Government, although "according to Sunni law, the appointment of an Imam or Khalifa is absolutely indispensable", Iqbal believed with Halim Sabit that "the republican form of government is not only thoroughly consistent with the spirit of Islam, but has also become a necessity in view of the new forces that are set free in the world of Islam."

Iqbal, however, considered Halim Sabit's nationalist theory of the State as " misleading in as much as it suggests a dualism which does not exist in Islam."

Iqbal explained : " The essence of Tauhid as a working idea is equality, solidarity and freedom. The state from the Islamic standpoint, is an endeavour to transform these ideal principles into space-time forces, as an aspiration to realise there in a definite human organisation. It is in this sense alone that the State in Islam is a theocracy, not in the sense that it is headed by a representative of God on earth who can always screen his despotic will behind his supposed infallibility. The critics of Islam have lost sight of this important consideration. The Ultimate Reality, according to the Quran, is spiritual and its life consists in its temporal activity. The spirit finds its opportunities in the natural, the material, the secular. All that is secular is therefore sacred in the roots of its being. As the Prophet beautifully puts it : " The whole earth is a mosque. The State according to Islam, is only an effort to realise the spiritual in a human organisation. But in this sense every state, not based on mere domination and aiming at the realisation of ideal principles, is theocratic."

And inspite of his not being altogether happy over the Turkish nationalist theory of state, Iqbal said that the " truth is that among the Muslim nations of today, Turkey alone has shaken off its dogmatic slumber and attained to self-consciousness. She

alone has claimed her right of intellectual freedom : she alone has passed from the ideal to the real......a transition which entails keen intellectual and moral struggle. It is, I believe, the English thinker HOOBES, who makes this acute observation that to have a succession of identical thoughts and feelings is to have no thoughts and feelings at all. Such is the lot of most Muslim Countries today. They are mechanically repeating old values, where as Turkey is on the way to creating new values.

" The question which confronts him today and which is likely to confront other Muslim Countries in the near future is whether the law of Islam is capable of evolution......a question which will require great intellectual effort, and is sure to be answered in the affirmative, provided the world of Islam approaches it in the spirit of OMAR .....the first critical and independent mind in Islam who at the last moments of the Prophet had the moral courage to utter these remarkable words : 'The Book of God is sufficient for us.'

" It is the duty of the world of Islam today to understand the real meaning of what has happened in Europe, and then to move forward with self-control and a clever insight into the ultimate aims of Islam as a social polity."

Those people, who are today advocating for an Islamistan and want Pakistan to merge itself in an international Motamir-e-Islami, could with advantage

study Iqbal's conception of world Muslim brotherhood. Iqbal had the vision of a world Muslim brotherhood on the pattern of the League of Nations, but not on the basis of Common Islamic nationality. He advised : " For the present every Muslim nation must sink into her own deeper self, herself alone, until all are strong and powerful to form a living family-republic. A true and living unity, according to the nationalist thinkers, is not so easy to be achieved by a merely symbolical over-lordship. It is truely manifested in a multiplicity of free independent units whose recial rivalries are adjusted and harmonised by the unifying bond of a common spiritual aspiration. It seems to me that God is slowly bringing home to us the truth that Islam is neither nationalism nor imperialism but a league of nations which recognises artificial boundries and racial distinctions."

Zia Gok Alp's Influence.

The great nationalist poet of Turkey, Zia Gok Alp (1876-1924) had such an influence on our poet that to support his contention, he quoted from him : " In order to create a really effective political unity of Islam, all Muslim countries must first become independent, and then in their totality they should range themselves under one Caliph. Is such a thing possible at the present moment ? If not today, one must wait. In the meantime, the Caliph must reduce his own house to order and lay the foundation of a workable modern State. In the international world the weak find no sympathy; power alone deserves respect."

Inspired by the philosophy of AUGUSTE COMTE, Zia's songs have done a great deal in the shaping of the present Turkey.

In his poem, " RELIGION AND SCIENCE ", Zia asks :

" Who were the first spiritual leaders of mankind ? Without doubt the Prophets and holy men. In every period religion has led philosophy. From it alone morality and art receive impetus and our Holy men disappear and spiritual leadership becomes, in name, the heritage of the doctors of law. The leading star of the doctors of law is tradition. They drag religion with force on this track. But philosophy says : " My leading star is reason ; you go right, I go left."

" Both religion and philosophy claim the soul of man and draw it on either side."

" When this struggle is going on, pregnant experience delivers up positive science, and this young leader of thought says, " Tradition is history and reason is the method of history ! Both interpret, and desire to reach, the same indefinable something !

" But what is something ?

" Is it a spiritualised heart ?

" If so, then take my last word......religion is a positive science, the purpose of which is to irpssiteuali the heart of man."

Egyptian View.

The late SHAYKH AL-MARAGHI of Al-Azhar University, making a statement in 1943 to a prominent Turkish newspaperman, DR. AHMED EMIN YALMAN, said of the American Muslims : " These people have extracted their knowledge of Islam from books. I hope that they never visit an Islamic country and never behold the picture of misery, corruption, ignorance, fanaticism and backwardness which we present. My only hope for revival of the true and broad Islamic spirit rests in Turkey in view of the fact that reason has become free there to deal with the abuses and hypocrisies which Islam has been subjected to as a result of ignorance or the desire to advance personal interest and influence."

Dr. Yalman was one of those seven editors with whom GAZI MUSTAFA KEMAL ATATURK conferred at Izmir in the beginning of 1923 when Istanbul was still occupied by the Allied troops.

Dr. Yalman's report of the discussions he and his colleagues had with Atatruk gives a very illuminating picture of the great mind on the question of the need of a revolution in Islamic thought.

Ataturk on Classical Islamic Influence.

Dr. Yalman wrote : " Ataturk had made up his mind to abolish the Caliphate. He wanted to convince us that this was the right thing to do, so that we could make this idea appear as our own and prepare the ground for a smooth abolition of the

Caliphate in Turkey not by dictation, but by persuasion. The idea was too new and unexpected to be easily assimilated by us; even an hour before this startling revelation, there was not a single person in the whole of Turkey who considered that such a revolutionary idea could possibly take shape in the mind of a human being.

" All the editors present had many objections. Ataturk encouraged us to express them. The conversation lasted for 36 hours without any interruption for sleep.

" In answer to a remark which I made about the possibility of disturbances due to the influence of the class of people who posed as the representatives of religious authority, Ataturk made the following statement :

" The people you refer to represent, with honourable individual exceptions, not the true spirit of religion, but the abuse of it for the sake of personal power and influence. The people are not sincerely attached to such persons and do not consider them, unless they are personally men of true virtues as their moral leaders. They are mere mercenaries of personal influence. They come to the Government and say :

' You must follow our recommendation. The people are behind us. If you ignore our advice, terrible things might happen to you.'

" Then they go to the people and use the following language :

' The Government is submissive to our influence. We can cause you all sorts of harm, in case you do not listen to our directions. On the other hand, we can facilitate your relations with the State, if you are obedient to us.'

" This double game has always led to stagnation, corruption and hypocrisy and forms a denial of the true role of religion. The moment we simply ignore this class of people, their hold and influence will immediately by cease."

HOW TRUE IN PAKISTAN AS WELL !

On the question of classical Islamic thought, Ataturk spoke with his characteristic lucidity. He said :

" All the imperialistic powers wish us to continue a theocratic way of life, to have only religious schools and courts and to be handicapped from the view-point of adjusting ourselves freely to the requirements of changing times. They foment religious fanaticism and ignorance, whereever they go, because only retarded people can be made slaves, and enlightenment and the free use of reason from the path of potential emancipation, so fatal to their continued domination."

Dr. Yalman bore witness to the fact that this revolutionary spirit shook " the sick man of Europe " from his slumber and in course of time revived in him

"the true Islamic spirit." The break from the past resulted in radical changes in the classical thoughts. "putting an end to the abuses of religious authority, perpetuated for centuries and still continued in some Muslim countries." The same evolutionary change is badly needed today in every Muslim country if we have to save the Islamic world from the state of stagnation and "actual or potential foreign domination." This change is absolutely necessary if we want Islam to once again be the dynamic force it was when it was pure and marching ahead with times.

Dr. Yalman sums up this new thought as "the stressing of the condemnation of priesthood, acceptance of only virtuous brethern as examples to follow or as leaders, freedom of personal interpretation and of a behaviour which accepts responsibility only towards God, and not towards any human being, tolerance of other religions, the making of full allowances for changing times and conditions, the sincere enforcement of the true democratic spirit in Islam, the combining in the best manner of freedom with equality and respect of human dignity, are elements which can easily usher in new developments.

Dr. Yalman has come to the conclusion that new Islamic thoughts will open new horizons to Muslims and will help "to constitute a general progress in the religious thinking of the century and a power of appeal to the mentality of the new generation which no religion has proved itself fully capable of achieving up to the present."

/There is no doubt that Islam, as we see it today, is swamped by superstition, prejudice and fanaticism. The shackles will be broken only when a re-evaluation takes place and new values give us reinterpretations of the objectives of Islam. Pakistan, being the youngest and largest Muslim State, born admist the struggle for Islam's survival in the Indian sub-continent, is lucky to have before her the example of success in the evolutionary re-awakening of Turkey. Pakistan is also lucky to have been born on the battle-fields and thus is already " up and doing."

In formulating any basic principles of its constitution. Pakistan's present Government though in its infancy is in a very strong position to repeat Ataturk's warning : " In vain shall any people resist the torrent of civilization. That torrent is pitiless to the ignorant and indolent." While Turkey had to obliterate the institution of priesthood and then re-orientate Islam in the new body-politic, Pakistan can start from the beginning with new Islamic thoughts, basing its foundations on pure Islamic objectives.

We need not give up Islam as Turkey had to for our intelligentsia is free from the clutches of priesthood. The spiritual force of our faith in the Quran will keep us intact and solid as a rock. Turkey, as Iqbal had misgivings, in its zeal to westernise itself, adopted some of very doubtful nationalistic theories and has to search again for its lost soul. We are fortunate enough to be still possessing our soul. All

we need is to practice religion devoid of prejudice and false ideas and to create new values to suit our Pakistani mind and the times in which we are living. There is no need, whatsoever, to continue to treasure the rigid patterns of the past. Their place is the junk houses of the civilisation.

Evolutionary Attempts.

The first attempt to collect stray Islamic thoughts into one jurisprudence was made in the middle of the 8th century, in the reign of Abbassid Caliph AEU JAFAR ALI MANSUR by his Prime Minister ABDULLAH IBN MUKAFFA. He did not succeed because of the differences between Sunni and Shia faiths. Both interpreted Islamic laws set out by the traditions of the Prophet to suit their own petty worldly gains.

The second attempt was made by the Mughal Emperor, AURANGZEB, in the 17th century. SHEIKH NIZAMI, with the help of a committee, compiled "juristic precepts following the arrangement of the famous text-book "*Al-Hidayat of Al-Marghinani.*" Both Aurangzeb and Nizami were followers of the Hanafi doctrine thus FATAWA-I-ALAMGIRI OR HINDIYYAT, covering six volumes gave the exposition of the Hanafi doctrine only. However, even these were not binding State laws because of the divergent sectional beliefs and interpretations.

ACCORDING TO DR. SOBHI MAHMASSANI, "THERE WAS NO CODIFICATION OF ISLAMIC LAW TILL THE 19TH CENTURY."

The Ottoman Empire modelled its jurisprudence on Islamic jurisprudence according to the Hanafi school which was later influenced by some of the European codes, particularly the criminal and maritime codes. Highly influenced by corrupt priesthood and rotten rituals, the Ottoman Empire slowly sank with its castles of sand till the new Turkey of Ataturk emerged with absolutely new thoughts and replaced Ottoman codes by those based on Swiss civil code and the Swiss Federal code of obligations.

In Arab States till very lately both Ottoman and Islamic codes have been practiced. While Transjordan is still modeled on classical Islamic codes with few Ottoman traditions, Syria, Lebnon and Iraq are rapidly re-orientating their codes on French and English patterns. Saudi Arabia follows Wahabi doctrines and Yeman follows the Shi'ite Zaidi school.

Lebnon, being the only Christian-Arab State, is making startling progress towards legislative reforms. However, the Muslims there still follow the Hanafi doctrines.

Egypt and Iraq both have progressed under the guidance of the Egyptian Jurist, SAUHORY PASHA, who has also revised some of the Syrian laws. Islamic law in Egypt is a domestic and personal affair and confines to the family only and is observed according

to the Hanafi rites. Egypt's civil code, on the other hand, was modelled on the pattern of Napoleonic code as far back as in 1875.

These failures of all early attempts to codify Islamic laws give us due warning not to waste our precious time and energy in that effort. There will never be agreement on those laws and binding rituals between different sects of Muslims. An Islamic Constitution based on the Quranic objectives and built upon simply the traditions of Islam, which will please all sects of Muslims is not possible. The only possible alternative is to wed our Islamic thoughts as found in the Quran with modern values and provide means for the creation of harmonious constitutional concepts.

Now, we will discuss some of the fundamentals (Basic Principles) on which a modern Muslim State (Pakistan) can be built up.

ISLAMIC DEMOCRACY NEEDS A NEW SHAPE

Having come to the conclusion that there is an urgent need of a revolution in classical Islamic thought and having examined some of the essential new values, it is now our duty to choose at the outset the philosophy of life which has to ultimately guide us. Is our State going to be ruled by a democratic government? If so, which democracy, for there are many forms of democracies in the world of today? If we are going to model our State on the fundamentals of Islam, what new thoughts have to be infused in the classic body-politic of Islam to give Islamic democracy a new shape?

Quaid-i-Azam's Guidance.

We will do well if we stand-by our beloved Quaid-i-Azam and seek the guiding spirit of our State in many a fatherly advice we received from him.

The Quaid-i-Azam promised the Muslim nation of the Indo-Pakistan sub-continent four years before the birth of Pakistan, in April, 1943, that "the constitution of Pakistan can only be framed by the *Millat* (the Muslim nation) and the people." At the same time, he exhorted the Mussalmans to "prepare themselves and see that they frame a constitution that was

to their heart's desire." He also promised that "the constitution and the government would be what the *people* would decide."

The 'Father of the Nation' told the first meeting of the Constituent Assembly on April 11, 1947: "We are starting with this fundamental principle that we are all citizens and equal citizens of one State." Emphasising this point, he explained that "every one was first, second and last a citizen of this State with equal rights, privileges and obligations." By 'every one', the Quaid-i-Azam meant all citizens, rich and poor, Muslims and all other minorities. To him, Islam's message and teachings, gains and losses if any, were not confined to Mussalmans only but to the universal brotherhood of mankind.

As far back as in 1943, he had fore-warned the All-India Muslim League Session at Delhi that it would be "an adult franchise in Pakistan." On that day, four years from today, he had also reminded us Mussalmans that "democracy was in our blood; it was in our marrows. And that only centuries of adverse circumstances had made the circulation of that blood cold. It had got frozen and our arteries were not functioning. Pakistan would be people's government."

However, the Quaid-i-Azam understood by democracy the Islamic ideals and not the western 'isms' for he declared in the same meeting that the "British democracy did not suit us." His conception

of democracy was an orderly human brotherhood, governed by the sovereignty of the people and controlled by the Supreme Divine Power of the Creator, one and only one God. He believed : Islamic Principles have no parallel. Islam and its idealism have taught democracy, have taught equality of man, justice and fairplay for everybody."

But the only teacher in whom he had faith, was the Prophet Mohammad whom he considered, "a great law-giver, a great statesman and a great sovereign who ruled." The Quaid-i-Azam was indeed very much inspired by Omar, the second Caliph whom he often referred to in his *obiter dictas*. He never went beyond the first four Caliphs for a general guidance and inspiration. After them he found a gradual decadence in Islamic values inspite of the glories of Muslim Empires and the golden kingdoms having swayed over vast and distant lands. He wanted our basic principles to be "the highest principles of honour, integrity, fairplay and justice for all." "One God, equality and unity.", were to be his fundamental principles. In Islam, he saw no difference between *man and man.*

That was the reason that he had visualised the objectives of Pakistan's constitution to be based on the Quranic revealed purposes of life so that in course of time, the State may develop the highest form of Islamic Socialism in which "HINDUS WOULD CEASE TO BE HINDUS AND MUSLIMS

WOULD CEASE TO BE MUSLIMS, NOT IN THE RELIGIOUS SENSE, BECAUSE THAT IS THE PERSONAL FAITH OF EACH INDIVIDUAL BUT IN THE POLITICAL SENSE AS CITIZENS OF THE STATE."

Before the Quaid-i-Azam was the example of "the great Sovereign Mohammad" under whose rule there was no difference between man and man, between Muslims and non-Muslims, although his "State" was fundamentally based on the Quranic laws of Islam.

Having developed his political consciousness in Islamic thoughts and principles and having lived in an era of "Evolution", the Quaid-i-Azam had the greatest concern for the well-being of the people, particularly those of the masses and the poor. He had always dreamt of a Pakistan where the Mussalmans, the majority, would live in harmony with the non-Muslims minorities and where the poor would not suffer in any way because they were poor. He always held in his hands the torch of the Islamic ideals of 'Equality, Fraternity and Liberty', which had kindled many a hearth in many a nation.

Quaid-i-Azam was Against Capitalism and Landlordism.

He had condemned that system of democracy which patronised the institutions of exploitation of the poor and the masses by a few well-placed persons. He warned the Mussalmans attending the last

Muslim League Session at Delhi against these 'userpers'. He named them as Landlords and Capitalists, the usual socialist terms for these human hyenas, and said "THEY HAD FLOURISHED AT THE EXPENSE OF THE PEOPLE BY A SYSTEM WHICH IS SO VICIOUS, WHICH IS SO WICKED AND WHICH MAKES THEM SO SELFISH THAT IT IS DIFFICULT TO REASON WITH THEM. THE EXPLOITATION OF THE MASSES HAS GONE INTO THEIR BLOOD. THEY HAVE FORGOTTEN THE LESSON OF ISLAM. GREED AND SELFISHNESS HAVE MADE THESE PEOPLE SUBORDINATE THE INTERESTS OF OTHERS IN ORDER TO FATTEN THEMSELVES. YOU GO ANYWHERE TO COUNTRYSIDE. I VISITED SOME VILLAGES. THERE ARE MILLIONS AND MILLIONS OF OUR PEOPLE WHO HARDLY GET ONE MEAL A DAY. IS THIS CIVILISATION? IS THIS THE AIM OF PAKISTAN? DO YOU VISUALISE THAT MILLIONS HAVE BEEN EXPLOITED AND CANNOT GET ONE MEAL A DAY? IF THAT IS THE IDEA OF PAKISTAN, I WOULD NOT HAVE IT. IF THEY ARE WISE, THEY WILL HAVE TO ADJUST THEMSELVES TO THE NEW MODERN CONDITIONS OF LIFE. IF THEY DON'T, GOD HELP THEM; WE SHALL NOT HELP THEM."

Actually, the Quaid-i-Azam's was the first voice which rose from the current century Islamic world

against landlordism and capitalism. It is very significant because both these "isms" are being patronised and well-nourished by the three major western democracies, British, French and American.

In every other Islamic country this 'vicious, wicked and selfish' system continues to exploit the masses even to this day.

MAURICE HINDUS, a well-known American writer, has given a most horrid picture of this system in the Middle East today which still proudly retains 'serfdom and depravity of the poor.' After having travelled extensively in every Middle East Country, he came to the same conclusion as our Quaid-i-Azam did. To save Islam and to preserve Islamic ideals of democracy this system must go. There should be equitable distribution of land and regeneration of the lives-stock "without which the Mohammadan countries in the Middle East cannot hope to stablise strength and enrich their newly acquired and ardent nationhood."

The Quran on Capitalism and Landlordism.

There are many references to the Capitalists in the Quran, where this class is maintained not as rulers of the community or the State but as economic necessity. The Quran does not recognise any social distinction between the rich and the poorer classes or individuals and advocates equal opportunities for both.

THE PROPHET OF ISLAM was neither a capitalist nor a feudal landlord. The first two and the fourth caliphs were poor men and were paid small salaries. Actually the mighty OMAR, the second Caliph, lived like a wandering Bedoin, as poor as a beggar. The third Caliph was comparatively a rich man but like his two predecessors was so God-fearing that he would not touch a pie from the State Treasury.

The Prophet, his wives and members of his family, often lived under conditions of destitution. He and many of his companions, including the women-folk, worked with their own hands like any other Arab of the day till their fingers bled and their feet ached.

The Capitalists were warned by every Quranic injunction not to misuse their position of wealth, not to exploit the poorer people and to go all-out to help the needy.

The institutions of Fitrah, Zakat, Fasting, Haj and congregational prayers were enough to keep the capitalist and feudal heads bowed and subdued. *Zakat* was essentially a tax "to take wealth from the rich to return it to the poor." Besides there was *Nisab*, a state tax in the modern sense.

The Quran warns the rich: "Those who hoard up gold and silver and do not spend it in the way of God (i. e., for the benefit of the nation or humanity) announce to them a painful chastisement."

To check the growing evil of capitalism, the Quran commands the man of comparative wealth " not to favour usury, doubling and re-doubling." And again " He who serves best prays best."

To workers the Quran promises : " Man shall have the benefit of what they earn and women shall have the benefit of what they earn."

To modern imperialists and capitalists, the Quran warns in most clear terms : " And do not swallow up your property among yourselves by false means, neither seek to gain access thereby to the judges, as that you may swallow up a part of the property of men wrongfully while you know."

" And that man shall have nothing but what he strives for ; and that his striving shall soon be seen, then shall he be rewarded for it with the fullest reward."

For the dignity of worker, the Quran says : " Say, O' my people ! Work in your place, surely I am a worker."

The Quran while discouraging and even forbidding feudalism and unlimited landlordism, guarantees : " Men shall have a portion of what the parents and near relatives leave and women shall have a portion of what the parents and the near relatives leave, whether there is little or much of it, a stated portion."

" And to everyone, we have appointed heirs of parents and near relatives ; and as to these with

whom your right hands have ratified, agreements give them their portion."

That explains why our immortal sage and philosopher, IQBAL, who gave us the concept of Pakistan, raged and commanded in the Words of God :

> Go and wake up the poor of the Universe,
> Go and shake up the places of the rich.
> Make the blood of the slave boil with the fire of faith,
> Let the sparrow fight against the hawk !
> Declare that the kingdom of the people is to come.
> Hence wipe out all the age-old traces.
> The field that does not provide the peasant with bread,
> Crush its crops and let them be reduced to dust.

Christian View.

ST. MATHEW said in the NEW TESTAMENT :

" It is easier for a camel to go through the eye of a needle, than for a rich man to enter into the kingdom of God."

FRANKLIN P. ADAMS described a rich man as :

> He frivols through the live long day,
> He knows not poverty, her pinch.
> His lot seems light, his heart seems gay ;
> He has a cinch.

ANDREW CARNEGIE wrote in the GOSPEL OF WEALTH: "The man who dies rich dies disgraced."

and POPE, the moralist, advised:

" And tempts by making rich, not making poor.
But Satan now is wiser than of yore."

Like the Muslim prayer, the Christian common prayer also commands: "Lay not up for yourself treasure upon earth, where the rust and moth doth corrupt."

HEYWOOD BROWN, on the occasion of his fifty-first birthday said that " out of comradeship can come and will come the happy life for all. The underdog can and will lick his weight in the wild cats of the world."

MACAULAY told of Ancient Rome:

Then none was for a party
Then all were for the State.
Then the great man helped the poor,
And the poor man loved the great;
Then lands were fairly portioned;
Then spools were fairly sold,
The Romans were like brothers,
In the brave days of old.

ABRAHAM LINCOLN had the same ideas as those found in the Quran: Capital is only the fruit of labour and could never have existed if labour had not first existed."

WALT WHITMAN sang :

I celebrate myself and sing myself,
And what I assume you shall assume,
For every atom belonging to me is as good as
belongs to you

THOMAS JEFFERSON in his DECLARATION OF INDEPENDENCE declared : " We hold these truths to be self-evident that all men are created equal ; that they are endowed by their Creator with certain inalienable rights ; that among these are life, liberty and the pursuit of happiness."

Communist View.

KARL MARX, the father of Communism, did not want any compromise and advocated total obliteration of capitalism and landlordism. He said : "Capitalist production begets with the inexorability of a law of nature, its own negation."

LENIN followed : " Capital, created by labour of the worker, oppresses the worker by undermining the small proprietor and creating an army of the unemployed."

J. B. S. HALDINE, the foremost scientific socialist of Britain, explained : " Capitalism did not arise because capitalists stole the land or the workmen's tools, but because it was more efficient than feudalism, but actually self-destructive."

The Marxist philosophy provides equal opportunities to all and creates ultimately a workers' class according to the capacity of the individual. The modern democracies accept this in theory but do not practise it. They have maintained classes and do not provide equal opportunities with a fear that it may one day crumble down their own privileged class.

Having undergone a process of evolution during the last 33 years' existence of Communist rule in the U. S. S. R., the Marxist philosophy of life has come very much near to Islam in respect of capitalism and landlordism. Communism now permits a restricted capitalism in the form of Co-operative Private Enterprise, basically Islamic ideology. Communism also now allows the holding and possessing of " personal properties," but like Islam, continues to forbid the practice of usury, doubling and redoubling of capital.

The Christian philosophy also sanctions "limited capitalism and landlordism.' However their codes though based on the same laws of Moses on which the Quran based its doctrines, do not cover all that the Quran has covered. The Quranic fundamentals have wider influences, being the last message of the Creator. The Quran particularly emphasises on the home life and that incidentally helps to control the growth of capitalism and landlordism. The Islamic philosophy of life in its material and secular forms makes first attempt to regulate the law of inheritance. No distinctions have been made between the sexes and between the eldest and younger children. Husband and wife have equal rights and share one another's capital and property.

The modern democracies, based on the Christian philosophy of life, have no regulated law of inheritance. There are clear distinctions between the sexes and between the eldest and younger children. Husbands have almost sovereign rights and the wives are left on the mere goodwill of their "better-halves."

Thus we come to the conclusion that only the Islamic Philosophy of Life suits us and will serve us best as the foundational fundamentals of our State-society.

First Concept of Democracy.

Democracy is the oldest Greek conception of government from DEMOSKRATEIN (demos-people ; Kratein-to rule), means simply "a government by the people." This government could be "either direct, that is exerted by primary popular assemblies or by plebiscites on legislation, or indirect, exerted by representative institutions."

Democracy, as known to modern generation was born in England in the 14th century under CROMWELL and MARTIN LUTHER when it developed in the bosom of evolutionary upheavels and an era of political and cultural revolution in the 15th, 16th and 17th centuries. The French republican revolution of the 18th century gave birth to the modern conception of democracy of "EQUALITY, FRATERNITY AND LIBERTY." The wings of time flew it to America

where ABRAHAM LINCOLN nourished it. ......
" THAT GOVERNMENT OF THE PEOPLE, BY THE PEOPLE, FOR THE PEOPLE SHALL NOT PERISH FROM THE EARTH."

However, it took a full-fledged Parliamentry form in the 19th century with " the theory of divisions of power (into the legislative, the executive and the judiciary powers), legislation being vested in a freely elected parliament and executive power in a responsible government. The government may either proceed from and be responsible to the people's parliament (parliamentary) or cabinet government. In the United States of America, the government is " Presidential." However in " either case the government must go out if Parliament or people so desire."

This fundamentally differs from the Islamic conception of government where the Head of the State, his Counsellors and his government are " elected " by the people but being the chosen perfect leaders fail only when they fail God and then they are to be replaced immediately.

Iqbal, for that reason, preferred a democracy in which men were " weighed " and " not counted :"

Run away from democracy
Be the slave of the perfect man,
For out of two hundred asses
Human wisdom cannot be desired.

Modern Western Democracy.

Modern democracy (Western) implies "free choice at regular intervals between two or more parties; a single party state cannot be democratic. As free candidacy and discussion are pre-requisites for free choice, basic individual rights are essentials of democracy, i.e., freedom of opinion and speech, including freedom of the press, freedom of association protection from arbitrary interference on the part of the authorities, primary safeguards against arbitrary arrest and prosecution." Modern Western Democracy necessarily implies the existence of a recognised opposition.

Modern Democracy (Western) allows both republican and monarchical forms of democracy provided "sovereignty of the people, expressed by the will of the majority" forms the basic principle.

While this form of democracy is quite alien to the Islamic conception of democracy as far as political liberty and equality are concerned which we shall see later when we discuss the Islamic ideology in fuller details, it fails miserably when we take up economic and social 'equality, fraternity and liberty.' It creates dissensions, encourages "sectional influences from powerful economic quarters and party machines." The cry remains: "more and more democracy." A democracy based on class rule of the capitalist or, landed bourgeois is, as Quaid-i-Azam has said, 'wicked, vicious and selfish.' Here Islamic objections are the

same as those of the Marxist socialist critics that " it is necessarily limited and that full or true democracy will be possible only in a socialist, classless society." Here Islam fundamentally agrees with Marxism.

Capitalist Controlled Democracy.

In the Western conception of democracy, " Capitalism is marked by the existence of a proletariat which depends on the sale of its labour power and by production of the market without planning." There is no doubt that a form of democracy which permits uncontrolled and mighty capitalism and landlordism, creates " a planless anarchy, leading to recurrent crises because of the lack of coordination among the various elements." This is what is happening today in the Super-capitalist State of America. And this is against which the Socialist " classes " are fighting today in Britain and France.

In a Capitalist controlled democracy neither the press is free nor the individual inspite of the fact that constitutions have emphasised on this point. In America the newspapers belong to " Power Trusts ", in Britain to Capitalists, groups of industrialists and feudal 'lords' and in France the press is generally subsidized. As a basic principle, the flow of news is free but in actual practice, the proprietors have full control over the policies of the newspapers and news agencies.

In Britain, the Foreign Office, the Dominion Office, the Colonial Office, the Home Office, even

the Scotland Yard, have often interfered with the freedom of the press. Only recently, we heard that the editor of the Picture Post was dismissed over his policy on the Korean issue which did not agree with that of the proprietor.

A world Peace Congress was banned in London by the Home Ministry and foreign delegates, even a scientist like Professor Juliet Currey, were denied the freedom of entering Britain.

In America, persons holding Communist views are simply hounded out. Visas of entry are denied to those who are believed to be outspokenly pro-Soviet Union. Both in Britain and America, persons having Communist views are denied the key jobs—may a time demonstrations and processions have been banned in the U. S. A., Britain and France. There are many examples of books, magazines, films and pictures of art having been censored or prohibited and their authors imprisoned.

In the Colonial empires of both Britain and France and even in the " occupied countries " of the United States of America, even the spirit of democracy has been denied to the colonial people.

SIR ALAN BURNS, formerly Governor and Commander-in-Chief of the Gold Coast admitted in 1948 : " Christianity itself is held not to be free from discrimination based on colour prejudice. The WHITE CHRISTIAN missionary had no true brotherhood to offer the negro except at best that of

teacher with taught, master with servant, grown man with child. In Dakar there is a club attached to the mission but although the congregation is predominantly Negro, you can but seldom find one in the club, nor would he be welcome if he came. This is the reason why Africans are resenting white control even in the Churches, have set up so many independent churches of their own; particularly in South Africa is this the case, the number of separate communions there being remarkable. MAJOR MOTON, president of TUSKEJEE INSTITUTE, says that it is his business that the Negro gets more honest consideration and a fairer deal than in any other of his contacts with the white man, not even excepting religion. Another Negro says "that even the Government officials in Africa are better than the missionaries."

In the so-called democracy of the Commonwealth of South Africa, the slogan is, KEEP THE KAFFIR IN HIS PLACE. The African is the toiler and the slave of his capitalist master who not only owns the gold, diamond and coal mines, the industries and the agricultural farms but also the bones and the flesh of the "coloured races." The African is denied all human rights. Democracy is only for the twomillion white peoples. Eight million African (natives) and over a million Pakistanis and Bharatis are not considered fit for democracy. Inspite of all this, South Africa is an honoured member of the British Commonwealth of Nations.

This state of affairs is not only the social-polity of South Africa and the "colonies" but in every capitalist-controlled democracy, particularly in Conservative-dominated Britain and America, the colour and racial prejudice attacks at the very root of democracy. In America, the negro race has very limited franchise. They are not entitled to any keypost. In some of the Southern States of America, the educational institutions are separate for the negro children and even those which are "mixed" have barriers erected to separate them from the whites. Mixed marriages are not permitted by law.

If Jesus Christ is unfortunate enough to be reborn in South Africa, the Harlem of New York, the Southern States of America or even in the British Colonies, he is sure to be hung again by the Cross. This time his crime would simply be that he was not of the same colour as that of the white-coloured masters of the world.

Among western democracies, France and Switzerland are the only two exceptions to this evil practice. They are notable for their fair deal to the coloured people.

In the democracies of Scandinavian countries and the Communist U. S. S. R., there is perfect harmony between various races.

Socialism is now struggling in Britain and France against these restrictions in Capitalist controlled society.

Socialist Democracy.

Against the Capitalist-controlled democracy, a socialist democracy as a compromise between capitalism and communism is growing rapidly. This in its modern form is fundamentally Marxist as far as economic democracy is concerned. In practice its progress has been very slow. Britain's labour party has a socialist programme of creating "a system of common property and planned economy" but because of the slow political machinery and between "200 cases", it is creating more dissensions than ever. When WOODROW WILSON declared that "the world must be made safe for democracy", he meant a world controlled and ruled not by many tyrannical and destructive kings in a kingless regime as Mussolini understood democracy but a world politically democratic and economically controlled by the might of property.

The Socialist conception of democracy was also a product of the 14th and 15th centuries. Getting the start with the Utopian outlook of SIR THOMAS MOORE in early 15th Century, it is now the only possible rival to Communism unless Islam revalues its classical thoughts and is able to re-orientate them soon to present a suitable and practical alternative.

The socialist democracy has passed through many evolutionary stages.

F. C. FOURIER, a Frenchman in the 18th Century proposed "a system of associative enterprise, society to be organised in self-contained communities

called *Phalansteres* ", which today is reflected in the Palestinian rehabilitations of Isreal and somewhat also in the Cantons of Switzerland.

Cooperative Democracy.

Cooperatism, another branch of Socialist Democracy, was born out of an experiment on " model socialist committees in England and America " by ROBERT OWEN, a textile manufacturer at Lanark in the 18th Century. Trade Unionism now an essential ally of all forms of Socialism soon followed,

Where Socialism is practised in any form today, cooperatism, " striving to build up a Socialist system through the collaboration of cooperative Societies ", is also incorporated. It is a popular and acceptable movement even in America which is an acclaimed Capitalistic democracy and where the Socialist movement is very weak indeed. Socialism has inspired other movements too, some of little importance like the CATHOLIC LABOUR MOVEMENT, preaching a ' Corporate State ', ANARCHISM, advocating stateless, decentralised socialism and Syndicalism, standing for a socialistic system based on the combination of Anarchism, Maxism and Trade Unionism.

Communistic Democracy.

The ' Communistic democracy ' is claimed by its exponents as the only ' Scientific Socialism. It opposes moderate democrative socialism, describes it as treacherous and an agency of Capitalism, denounces democracy as the concealed dictatorship of capitalists,

rejects the idea of arriving at Socialism through peaceful, democratic development. Communism bestows all powers of sovereignty in the hands of the peoples, provides equal oppurtunities to all men irrespective of the 'might of property', rejects classes and racial inequality, believes in the collective good of the people through the strict supervision and control of the ruling party, provides equal social status and communal cultural life to all citizens of the state, accepts economic equality but does not tolerate any political opposition. It is an absolutely mechanical system of order in which man is sublime and people in the collective sense are God the Creator, the all-Powerful. Communism recognises the freedom of religious worship and at the same time encourages the worship of self in the collective sense. It does not allow religious propaganda but gives full freedom to anti-religious propaganda to all citizens.

In America also, the state and the church are completely separate and, according to PROFESSOR HAROLD LASKI, this policy of non-interference has produced freedom. Like the individual in the capitalist controlled Democracy, the individual in the Soviet Democracy is not absolutely free inspite of the fundamentals of freedom granted to him. In a picture of the Soviet Union, Laski draws our attention to the following :—

" There is no liberty to criticize the fundamentals of the regime. There is no liberty to found parties to oust the Communist Leaders. A man cannot found

a journal of opinion, or publish a book or hold a meeting, to advocate views which, in the judgement of the dictatorship, would threaten the stability of the system. A citizen who sought to overthrow the Philosophy of Marx, or to urge that Trotsky and not Stalin, wears the true mantle of Lenin's tradition would soon find himself on the way to exile or imprisonment. Art, the Drama, music, the Cinema, through all these, the dictatorship has sought to pour a stream of tendency, often with ludicrous and sometimes with tragic results."

However, Professor Laski, a pronounced anti-communist, admitted : " The new Soviet Constitution is an immense step forward ; one certainly that neither in form nor content would fascist dictators dare to emulate. The second fact is the immense number of ordinary men and women, not themselves members of the dominant Communist party, who share in the effective public administration of its life. The third fact is the enjoyment of the ordinary worker of a luxury of criticism about the details of his working life which is of immense significance to him, and largely inaccessible to his fellows under the Capitalist system. Any one who has been present at a meeting of a factoy, knows well enough that the Soviet worker is a free man in a sense to which few English or American trade unionists can pretend. And he has at his disposal a freedom of access to his cultural heritage unrivalled under any Capitalist system. In general, moreover, he has two great assets denied to his

fellows elsewhere. The fear of unemployment has been removed from his life ; and he has a confidence that, given international peace, he and above all, his children face a future that consistently expands. He is still, no doubt called upon for great sacrifices. But no one can visit the Soviet Union without the sense that its people feel itself to be the master of its own destiny in a way quite different from that realised by any other people."

Laski's enthusiastic praise of some of the *natural, material and secular* achievements of the Soviet democracy is very significant indeed for Laski was no friend of the Soviet Union. He believed that inspite of all this achievement, " in the classical sense of absolute liberalism freedom does not exist in the Soviet Union." There is a reason for this. The present is an experimental stage when " rigours " are needed, confronted with a sense of future danger which *may* happen. Islam has also passed through the same stage of rigour.

However, we agree with Laski that "they confront, of course, the danger that they, like all dictators, may be poisoned by the very volume of the power they possess so that they cling to it as absolute even when the need for its rigour is gone." In Islamic history too, when after the death of the last of the KHULAFA-E-RASHIDEEN, the need of the rigour was gone and Islam had well-nigh settled down to a glorious chapter in the annals of history, the very volume of the power the Khalifa possessed clung to him as absolute and the Islamic democracy was

poisoned in such a deadly way that even after nearly fourteen centuries, it has not yet recovered from the effects.

The Article 125 of the Soviet Constitution as revised in 1947 guarantees by law "freedom of speech, freedom of the press and freedom of assembly by including the holding of mass meetings, of freedom of street processions and demonstrations. The civil rights are ensured by placing at the disposal of the working people and their organisations printing presses, stocks of paper, public buildings, the streets, communications, facilities and other material requisites for the exercise of these rights."

Complete freedom of conscience and freedom of religious worship to all citizens has been ensured by the Article 124 of the Soviet Constitution. "The Church in the U. S. S. R. is separated from the State", in order to "ensure to citizens freedom of conscience."

The modern Western Democracies enslave the individual physically. The Communist democracy in fear of future danger ensalves the mental growth of the individual.

Inspite of the evolutionary changes in the Soviet Constitution, the fact has not yet been admitted that " the soul is a terrible reality. It cannot be bought and sold and bartered away. It can be poisoned or made perfect. There is a soul in each one of us." This was OSCAR WILDE in agony.

However, the Communists also charge the Western democracies that they also buy, sell and barter away the individual soul through the Capitalist productive machinery. And while they (Communists) poison the soul of the individual in their attempt to reach it to perfection so that the contagious germs may be killed, the Capitalist makes the individual his manpower and drags it about according to his own pulling power. But who is to be the judge? May be Islam? We will now put the Islamic democracy to test and see for ourselves.

Islamic Democracy.

Giving the first concept of democracy to his people, the Prophet Mohammad advised them: REMEMBER YOU ARE ALL BROTHERS. ALL MEN ARE EQUAL IN THE EYES OF GOD. AND YOUR LIVES AND YOUR PROPERTIES ARE ALL SACRED: IN NO CASE SHOULD YOU ATTACK EACH OTHER'S LIFE AND PROPERTY. TODAY I TRAMPLE UNDER MY FEET ALL DISTINCTIONS OF CASTE, COLOUR AND NATIONALITY. ALL MEN ARE SONS OF ADAM AND ADAM WAS MADE OF EARTH."

Again, the Prophet of Islam distributed authority between the key members of the society. He explained the Constitution of God: " Every one of you is a ruler; the *king* is a ruler and he shall be questioned about his subjects; and the man is a ruler in

his family and he shall be questioned about those under his care ; and the woman is a ruler in the house of her husband and she shall be questioned about those under her care ; and the servant is a ruler so far as the property of his master is concerned and he shall be questioned about that which is entrusted to him.

The Prophet advised the sons to be dutiful of their parents : "One who is young shall not attain paradise if he neglects his parents when they are old."

He told men who trampled upon the rights of women and treated them mercilessly : " Paradise lies at the feet of your mothers."

He asked the believers to respect their elders and gain by their experience : " To him, who being young, honours the old on account of their age, God will appoint those who shall honour him when he is stricken in years."

He introduced ZAAKAT, FITRAH, BAITUL-MAAL, as first lessons in economics, on which today are based the system of Welfare States.

The great foresight and acumen of the Prophet of Islam was shown in a CHARTER which he granted to the Jews, in which among other things, it was declared that, " they were as much the citizens of the new State of Islam as the Muslims themselves, that the two branches of the men of Yathrib were to form one composite nation, that the guilty would be punished whatever their faith, that both will be called

upon to defend the State when need arose, and that all future disputes would be decided by the Messenger of God."

In his last congregational address, the Prophet gave the people a CHARTER OF HUMAN RIGHTS which has not been improved upon so far.

The Prophet declared : "Ye people. Hearken upto my words, for I know not whether in another year, it will be vouchsafed to me to find myself amongst you in this place.

"Your lives and properties are sacred and inviolable amongst you, as this day and this month are sacred to all, until ye appear before your Lord, who shall demand from each of you an account of your actions.

"Ye people : Ye have rights over your wives and your wives have rights over you. Treat your wives with kindness and love ; verily you are responsible for them to God.

"Usury is forbidden. The debtor will return the principal and a beginning will be made with the loans of my uncle *Abbas*, son of ABDUL MUTTALIB.

"THE ARISTOCRACY OF OLD TIME IS TRAMPLED UNDER MY FEET. THE ARAB HAS NO SUPERIORITY OVER HIM THAT IS NOT AN ARAB ! AND HE THAT IS NOT ARAB HAS NO SUPERIORITY OVER THE ARAB. ALL ARE CHILDREN OF ADAM AND ADAM WAS MADE OF EARTH.

" Ye people ! Hearken to my words and understand them. Know that all Muslims are brothers of one another. Ye are one brotherhood. Nothing which belongs to another can be lawfully possessed by any unless freely given out of goodwill. Guard yourselves against committing injustice.

" And your war captives, see that ye feed them with such food as ye yourselves eat ; and clothe them with the stuff that ye yourselves wear ; and if they commit a fault which ye are not minded to forgive then part with them for they are the servants of the Lord, and are not to be harshly treated......"

Where the Islamic democracy stops all possibilities of dissensions and maintains a peaceful harmony between its people, it is its advice in the words of Iqbal :

> It is useless to complain against the will of God.
> Why are you not yourself the will of God ?
> Raise yourself to such height that before each Act of the Will,
> The Creator may ask the created : What is your wish ?

This is the essence of the Islamic democracy. Is not God sufficient for His servant ? asks the Quran. The supreme power and the final authority in the Islamic democracy is that of God. All lands belong to Him. All creations of the Universe owe their allegiance to Him. The Head of the State and the

Governments are only His representatives to carry on according to His wish. His favours and punishments are regardless of the position and status of the person. A Muslim democrat should never bow or kneel before another man. The Almighty God is the only one who could receive that expression of servitude. Islam, actually, is a democracy which establishes the "FATHERHOOD OF GOD" and the "BROTHERHOOD OF MAN". It has been described as ONE DINING HALL FOR ALL, ONE PRAYER ROOM FOR ALL, AND ONE GOVERNMENT FOR ALL. The Prophet explained that *the world was one single mosque.*

Explaining the first harmonious conception of Islamic Constitution the Prophet of Islam advised both the ruler and the ruled, the teacher and the taught, the master and the servant that their ultimate aim should be the total submission to the OMNIPOTENT POWER, the greatest of all Sovereigns and to his representatives provided they keep on the path of righteousness and Godly objectives which are to be found in the Book of God only.

Once a deputation of Bani Amir addressed him as: "Here is our Lord. He is the best of us, the noblest of us." The Prophet was immediately distressed and said: "No your Lord is God. When you speak, think and weigh whether or not it be Satan who is driving you."

About himself, he repeatedly advised the people: "I am an ordinary man like any one of you. If there is a difference, it is only that I have brought the message of your Creator."

He also said : " An Arab is not superior to a non-Arab except through piety."

MOHAMMAD ALI ALLOUBA PASHA, former Egyptian Ambassador to Pakistan has summed up the principles of Islamic democracy as an universal human approach and outlook and not parochial " for Islam has denounced all differences between man and man and laid the foundation for equal and absolute equality between all mankind, regardless of race, colour or nationality. There is no difference between a Hashmite and a non-Hashmite, between the Prophet's relatives or the descendants of an ordinary man, except the distinction which is acquired through piety and good deeds. This is the absolute and universal justice. Call it democracy or call it by any other name you like, for indeed the word democracy as understood today has too narrow a connotation."

This democracy has been achieved only because the ULTIMATE REALITY is the SPIRITUAL FORCE which is part and parcel of every one of us. As YORKE CROMPTON has expressed it :

> Allah-o-Akbar, Great is God......the cry
> Swells from the minaret its deathless tone
> That rings through hidden spaces of the bone,
> To the last precinct of the secret " I ".
> How oft I heard the truth-entraced voice.
> Send forth it call of courage, faith and joy,
> Whose living strength no ages can destroy,
> Whose cadence makes the very stones rejoice !

As I look up besides the gracious dome,
The vast simplicity of white Islam,
Uplifts my spirit to its native home,
Beyond all power of modern dithyramb
The pinnacles, God's spearheads, pierce the skies,
With rapture, as the echo lives and dies.

Balance between Exaggerated Opposites.

Within the Western world (including the world of Communists) Islam still maintains the balance between exaggerated opposites, says PROFESSOR GIBBS of the Oxford University. This balance, he and PROFESSOR MASSIGNON of the Sorbonne, Paris, think, "proves beyond any doubt that Islam has the merit of standing for an equalitarian conception of the contribution of each citizen by the title to the resources of the community ; it is hostile to unrestricted exchange, to banking capital, to state loans, to indirect taxes on objects of prime necessity ; but it holds to the rights of the father and the husband, to private property and commercial capital. Here again it occupies intermediate position between the bourgeois capitalism and Bolshevist Communism."

In its wider sense, the Islamic democracy does not confine itself within the four walls of a nation. It does encourage national patriotism but preaches universal brotherhood. To Islamic democracy, like the Communist slogan, 'Workers of the World Unite', the entire Universe is the COMMONWEALTH OF GOD, as such, a muslim of whatever

nationality he may be, is a Muslim first, a Muslim second and a Muslim last. Kaaba in Mecca, the first HOUSE OF GOD, has been fixed as his focal point and not the seat of the Government of his own State. He has been taught to love entire humanity. He is neither superior nor inferior to any other nationality for all men being the creation of God and equal there cannot be any distinction between them. He is attached firstly to Islamic nationalism* or brotherhood, secondly to international nationalism or brotherhood and thirdly to the land of his birth. In the words of Iqbal, ISLAM IS IN FACT A LEAGUE OF NATIONS.........WE ARE MUSLIMS, THE WHOLE WORLD IS OUR NATION.

No other concept of democracy goes as far as the fundamentals of the Islamic democracy. In modern Western democracies men do not have a feeling of brotherhood. They are not equal even according to their fundamental teachings. Their modern constitutions do proclaim loudly that "the lives and the properties are all sacred" but they openly trample upon the weak and crush the down trodden. They unashamedly loot the properties of others. They have caste differences, colour prejudices and nationality complexes. They do not consider all men as sons of Adam.

The Soviet democracy as changed in 1947, does accept most of the Islamic fundamentals but it still does not abhor violence to achieve it objective means which are absolutely taboo in Islam. Islam permits defensive wars only and forbids all territorial aggressions.

By making all men brothers and equal, Islam long ago abolished even that distinction which the Soviet Constitution framed under so-called revolution any urges as late as 20 in Century does still retain. By guaranteeing the security to life and property, Islam taught all the modern constitutionalists a basic moral code. By rejecting the narrow concept of nationality, Islam attacks the very root of present day conflicts, dissensions and strifes and shows a way out to the communists in their present conflict against Trostkiites and Titoiites.

The Western democracies recognise the individual and give him right to frame laws for his own good but that right is only " indirect." By the time the wills and the wishes of the millions are translated into a legislation, they become the degenerated wisdom of " 200 asses."

The Communist democracy prescribes some birth rights to the individual but controls his brain. The individual has the right to vote but only for one party, the ruling party, which can only be changed by a revolution and not otherwise.

The individual in the STATE OF ISLAM has also been bound to the fundamentals of the Quran but because the Quran is a " partially revealed purpose " for the entire humanity, the individual has the widest possible scope to express his will and wish towards the happiness, prosperity and peaceful attainments of the UNIVERSAL BROTHERHOOD OF MANKIND. However, he cannot invent his

own fundamentals. He may take help from his reason but must abide by the fundamentals of the Quran. He is not allowed to form sects or parties within the one-nation party of Islam. The word of KHALIFATUL MUSLEMIN is the last word on all political and foreign affairs. The SUPREMO may not be removed unless he fails to conduct himself according to the teachings of the Quran. Till then neither he can be removed from power nor a rebellion agains his person is permitted. The elections, according to the practice of the KHULFA-E-RASHIDEEN has been one-party elections only, exactly like that in the Soviet Union today. Like the Communist party, the first four Caliphs recognised only one party of Islam.

However, we may take guidance from the fundamentals of Islam and basic teachings of the Prophet who said that ALL MEN ARE EQUAL IN THE EYES OF GOD and that ALL ARE CHILDREN OF ADAM. We may adjust our Basic Principles accordingly :

" WE ARE ALL BROTHERS...THAT ALL MEN ARE EQUAL IN THE EYES OF GOD...... THAT OUR LIVES AND OUR PROPERTIES ARE ALL SACRED......THAT IN NO CASE SHALL WE ATTACK EACH OTHER'S LIFE AND PROPERTY...THAT IN PAKISTAN THERE SHALL BE NO DISTINCTIONS OF CASTE, COLOUR AND NATIONALITY..... AND THAT IN BOTH NATIONAL AND INTERNATIONAL AFFAIRS, THE GOVERNMENT OF PAKISTAN

SHALL RECOGNISE THAT ALL ARE CHILDREN OF ADAM AND ADAM WAS MADE OF CLAY"

There is no doubt that fundamentally the Islamic way of life and Islamic democracy in its modern sense is superior to all forms and concepts of democracies. However, we learn from our own history that the successors to the KHULFA-E-RASHIDEEN did not live up to the standards set out by the Prophet and his four cnmpanions. The first four Caliphs held absolute political power in their hands. While they allowed the ordinary citizen to be outspoken in his criticism of the domestic matters, he kept the foreign and political affairs to himself and to his few chosen advisers. Voting took place only among the counsellors and not the entire MILLAT. The non-Muslims were denied the rights of franchise and posts in the State machinery. This was because the time demanded rigorous laws. The sense of danger always loomed ahead. The State was actually in a state of perpetual *Jihad*. The Khalifas did introduce some basic economic reforms already advised by the Prophet but were not able to build up a constitutional structure for the State. The KHALIFAT-UL-ISLAM was infact the HEAD of the whole STATE OF ISLAM and not that of one particular country, thus he had to be the RELIGIOUS, TEMPORAL AND MILITARY HEAD OF THE WHOLE BODY-POLITIC OF ISLAM. When the State of Islam was divided into sub-states almost independent

of the KHILAFAT because of lack of communications and also because of the tendency to form sovereign sectarian states outside the influence and dictates of the KHALIFA, the fundamentals of the Islamic democracy considerably changed. God remained but Godly objectives were completely forgotten.

Sir Alan Burns admits of Islam : " It has been stated in the matter of discrimination, Islam has a better record than Christianity, that it has destroyed race prejudice and national sentiments, abolished caste and ignored colour and broke down all barriers between man and man. What is of more importance is that it broke down the barriers between men and women of different races, the conquering Arabs mating freely with the women of all nations and giving their own daughters in marriage to black Muslims."

That is a remarkably attractive picture of the Islamic democracy from a prejudiced foreign mind. This was the reason why the earlier Muslim forces swept through Africa, Asia and a considerable portion of Europe. And this is the main reason why communism, in spite of the voilence behind its torrents, is so easily acceptable to men living under regimes guided by the principles of Western democracies.

However, I also agree with Sir Alan that in modern Islamic practice, it is true upto a point only as it has been noticed that once the Muslim States drifted away from the fundamentals of the Quran they also started making distinctions between colours

and races similar to what we have seen in western democracies. Sir Alan said that he was not altogether convinced that the fair-skinned Muslim did not despise his dark-skinned co-religionist for his colour. "It is significant that towards the end of the sixteenth century admission to the Janissary Corps was made open to all free Muslims except Negroes, and T. E. LAWRENCE speaks of the Turks despising a black man on account of his colour."

We find the racial and colour prejudice quite dominant in the present day Islamic world. A white woman married to a coloured man is equally despised by both the whites and the coloureds for reason of her being of different race and colour. The children are treated as half-castes and are not accepted 'wholly' to either their mother's nationality or to their father's.

In the State affairs too, Islam is no more the loyalty but the race and the geographical nationality. No wonder that the Islamic unity has broken down.

Today not one Islamic country observes the principles of Islamic democracy. The first corruption took place when the Abbasid Caliphs introduced Greek moral forces into the body-politic of Islam. To suit their petty needs thousands of *Hadees* were invented. Later on with the expansion of Islam other forces also influenced the Spirit of Islamic democracy. In Iran, the life of luxury sucked all its vitality. In India, the immoral Sankirit forces (we beg your

pardon, President Truman thinks they are highly moral) almost overpowered it. In Russia, Central Asia and the Middle East, it became an old lady to be respected but also to be pitied and ridiculed at the same time.

Pakistan is the result of an unprecedented revolution in the same civilisation. Pakistan, if it is going to be an Islamic State in the true sense, must give a new shape to the basic Islamic democracy of Islam for the times have taken 1400 leaps since the KHULAFA-E-RASHIDEEN'S rigours resulted into first Kerbala of Islam.

Shaping the Islamic Democracy.

What new shape can we give to the classical Islamic democracy which will retain the Quranic fundamentals and suitable sunnas of the Prophet of Islam and will also represent the Spirit of Pakistan ?

We have seen that in modern Western democracies the legal codes, having been born out of the bosoms of the democracies themselves, attack on each other's lives and property, and become the game of hide and seek played by very clever people. Justice often dances to the tune of money or political influence and administrations become addicted to political morphine.

The communist democracy, on the other hand, at least sings more or less to the tune of Islam. It fully recognises that all men are brothers and equal

but it does not give any right to men of wealth. As in its conception the individual must fear himself, not God, and the supreme authority is the State composed of ' weighed men', it feels itself justified to nationalise all wealth and to conscript the talents of fellow-men. Here there is slight, very slight difference indeed, between the two conceptions. Communist democracy is fundamentally an economic State. The people collectively own and possess the state-lands as a whole. The individual possessions are also on cooperative system only. Fundamentally Islamic democracy acknowledges the individual right on land and property as that of one of the children of God. Equal share only for all children. No distinction. In practice, it allows, like the present day communist principle, the individual possessions to a limited scale only.

The main difference between the two is that Islamic democracy permits a limited private enterprise. The communist democracy is fundamentally opposed to all private enterprise. It believes in the dictum. " All enterprise of the people, by the people and for the people."

Islam controls the evil by imposing the system of BAITUL MAAL which may be re-introduced but at the same time we should hand over all private enterprise to the state. We are living today in an economic era ; mere *Zakat* and *Baitul-Maal* would not provide us means to build up a strong economy for one large state.

Islam, however, does not oppose State-controlled enterprise. When all land belongs to God and all men belong to God, both the AMIR-UL-MILLAT and the State function as God's objectives, then every individual enterprise should also be in the interest of God's kingdom.

Private enterprise in practice teaches us greed and selfishness. It makes us power conscious and creates distinctions and dissensions between the people. If a person is a patriot, why should he not think of his people as a whole and do whatever he is capable of doing not for personal gains but for the benefit of his country, if not for humanity ?

In these scientific days, every enterprise which is controlled and guided by the State, progresses more rapidly than a private enterprise founded for the absolute benefit of private owners.

Like the preference of congregational prayers to individual and secluded prayers, collective enterprise should be preferable to individual and private enterprise.

In these days of billions, the Quranic commands to men of wealth can only be adhered to in practice when the State keeps a check and control over private enterprise.

Communist democracy also considers lives and properties as sacred. It is a wrong notion that communism does not take any notice of the life and

property of the individual. Actually Communism in practice works very hard for the welfare of the individual. His happiness, health, prosperity and contentment are its only concern because unless the individual is 'better than best', it cannot build a paradise on earth. Being an economic "State", it is essentially a "Welfare State".

It has been said that individuals are only canon-fodders to Communism. So are individual Mussalmans for a Godly cause. Life is eternal. The spirit does not die. It is the body only which rots. When one believes in 'I have come from God and shall return to God', one does not mind or hesitate in the least to jump in the fire if one's body will ultimately help keep alive the sparkle of the kingdom of God.

In Communism also there are no distinctions of colour, caste, and nationality. As far as the wealth of social thought goes, the individual has the full possession of it.

Where Islam is definitely more sound is in it's belief in God and its fear of God. This fear is expected to keep the Islamic government always within the border line of democracy. Because of the ultimate sovereignty of God, Islamic democracy is more a people's government than a Communist democracy in which only a blind faith in a mortal keeps him on the top. As the physical (personal) charm decreases, the mental hold on the people also starts slipping. As

God is NOT TO BE SEEN, his hold remains always firm. Individuals may slip away but a collective order is seldom disturbed.

Thus, we come to the conclusion that Communist democracy is nearest to Islamic democracy. And as Communism has compromised with faiths worshipping God in the U. S. S. R., we will not be going against our objectives if in matters of economics we model our Basic Principles on Communist economic experiments. These experiments have developed a very scientific working order, materially quite different to the Marxist spirit of democracy.

Is Relationship between Islamic Democracy and Communism Possible. ?

If we can forget for one second only that Communism as a philosophy is Godless, we will see that Communist democracy as practised today is very similar to Islamic democracy in practically all its aspects. Actually the way it deals and looks after the general welfare of the individual, reflects a very curious spiritual force behind it. This is admitted by even recognised fanatics.

A 'leader' in a local English daily recently declared: "We are wholly and uncompromisingly opposed to the Godless philosophy of Communism. There can be no meeting ground between believers and deniers." However, in the same breath, the young fanatic admitted: "Our criteria for judging

strength is the *human and spiritual factors* of one-mindedness and devotion to one's way of life ; when these factors work on vast numbers they generate forces which know no defeat. *The history of human victories is not the history of better weapons but of ideals which inspired men to unity, discipline and victory. Accordingly we hold world Communism to be in finitely superior in might to the rest of the world.*"

Is not that human and spiritual factor in Communist philosophy of life which the writer has shown as a dominating outlook Godliness itself ? Do not the Communist ideals teach the same Godly objectives which Islam and other religions have taught in their fundamentals ? Is not science a Godly force which through its better known materialism has got humanity in its grip ? And is not that Godliness which the writer has discovered in his model States in actual practice only a myth and Godlessness ? Can that order be a Godly order in any sense which denies equality, liberty and fraternity to people ; which makes colour, caste and national distinctions between people ; which permits the institutions of exploitation and mass subjugation ; which shatters the very fundamentals of Islamic democracy ; and which always releases all its Satanic and destructive forces in the name of God only ?

The same writer had to acknowledge the fact in a later editorial : " Western nations are capable of building a Union only outside Europe on the grounds of feelings of racial superiority."

Prejudices apart, the Western democracies allow and encourage all these anti-God-objectives. Communism like Islam abhors these. While the Godly states have forgotten their God, the Communist democracy has kept in practice all those objectives which ultimately transform into oneness and become God, the Almighty Creator. Do not the Sufis believe that every created being has the spirit of God in him and God is only the focal point of humanity at-large ?

Politically, the Communist democracy today is at the same stage, at which Islamic democracy was till the times of the fourth Caliph. Fundamentally, Islam gave freedom to individual expressions provided they did not go against the Quranic injunctions. Communism basically permits the same freedom. In practice, however, Islam only permitted one political party and " weighing of leaders " and strangled in their infancy all political oppositions. Communism has adopted the same principle. When Islam did permit political parties, it disintegrated. Communism fears history. It encourages instead parties in the form of trade unions and cooperative organisations, and communal clubs. Islamic polity has the same pattern.

Iqbal's Guidance on Concept of God.

Those who will not even look towards the Communist statecraft because of its being in its outward look a *Godless State*, may well re-read their philosopher Iqbal, who explaining the Quranic message, has pointed out that 'loyalty to God virtually amounts to man's loyalty to his own ideal nature'.

We have discussed this point in earlier pages that as the Quran is not a legal code, we will have to formulate pro-Islamic legal code suitable to our times and needs.

The re-interpretation of *fundational legal principles* is perfectly justified, has argued Iqbal.

To a lay man, like us, the difference between Islam and others is that the Islamic democracy is a spiritual democracy while others are based on materialistic ideals. But the Quranic Islam, in the light of new thoughts, though it deals with every aspect of human life, is in actuality " only a partially revealed purpose ", leaving for us to build up on its fundamentals a full-fledged SPIRITUAL DEMOCRACY.

All evolutionaries in Islam have agreed that any modern Islamic State will have to infuse all State authority in a legislative body. This authority will have to be at times complete and at other times relative and special, " determining the law applicable to a particular case left undetermined by the founders."

Today, even a Godly State cannot work harmoniously under an Imam or a Khalifa without a powerful republican legislative body to guide him in spite of the fundamental 'fear of God'. And to quote Iqbal again : " The republican form of government is not only thoroughly consistent with the spirit of Islam but has also become a necessity in view of the new forces that are set free in the world of Islam."

In actual working of the modern State, it is immaterial whether the State is Godly or Godless for again in the words of Iqbal : " Essence of *Tauhid* as a working idea is equality, solidarity and freedom. The State from the Islamic stand—point is an endeavour to transform these ideal principles into space-time forces, as an aspiration to realise therein a definite human organisation....."

There is no doubt that according to the Quran "the ULTIMATE REALITY (GOD) IS SPIRITUAL" but according to the Quran itself the LIFE (FUNCTION) OF THE ULTIMATE REALITY consists in its TEMPORAL ACTIVITY." Iqbal has explained it beautifully :

" The spirit finds its opportunities in the natural, the material, the secular. All that is secular is therefore sacred in the roots of its being..... THE STATE ACCORDING TO ISLAM IS AN EFFORT TO REALISE THE SPIRITUAL IN A HUMAN ORGANISATION."

Thus, all we should bother about is whether a particular principle, western democratic or Communistic, is not opposed to our objectives ?

Godly Forces in Godless Communist Russia.

There are many (million) good Christians who are also good Communists ; even the Church of England has the Dean of Canterbury who is an active Communist. He is in no way " Godless ".

There are at least 28 million Muslims in the Soviet Union who practice the natural, the material and the secular forms of Communist principles of democracy and at the same time are ardently devoted to the spirit of Islam.

There was, no doubt, a terrible reaction against the un-Godly acts of the Godly State of the Tsarist regime when the revolution of 1917 upturned the very foundations of Russia.

The Muslims of Russia were the main sufferers under both the Khilafat and the Tsarist bureacracy. Though outwardly 'Godly', they kept the masses of Muslims (and others too) backward and ignorant as we find today in the colonial empires of the Western democracies and the Muslim States of the Middle East and the Far East. The Tsarist regimes, intoxicated with the pomp and show of the Godly Church and the glitter of their imperial robes and white skins, kept the Godly peoples as serfs and cheap manual labour. The Muslims particularly lived a life of ignorance, superstition, disease and poverty. They were exploited at every stage of their lives by Godly Ulemas, Mujtahids, Peers and feudal chiefs. The Godly rulers of pre-revolution Russia were absolutely un-Godly.

A Turkoman poetess has told of her life in pre-revolutionary Godly Russia :

> O Adolat ! O Adolat !
> With glowing lines
> The carpet shines

And colours bright
Soon her work is finished quite,
She weaves all day,
Time slips away
With radiant glow
BLOOMS GUL SSALOR
But fearing woe,
Turkmenia's daughter trembles sore,
With inward sigh
Awaits a guest
Who comes to buy
With radiant glow
BLOOMS GUL SSALOR
Be old and rich,
Or young the guest ;
What matter which ?
Her father spreads the carpet wide,
Shows it with zest
On every side.
Thy cruel fate is near at hand, O Adolat !
With glowing lines
The carpet shines.
Her father sits with an old churl
To sell the girl ;
He sees the price before his eyes.
With glowing lines,
The carpet shines.
O Gul SSalor ! Thou yet shall be disgraced sore.
But Adolat cries bravely, NO !
Her father's now her deadly foe.

He seeks her life,
Rage-choked grasps his blood-thirsty knife.
Veil, night, the deed of cruel hate.
O Adolat ! O Adolat !

What else could be the reaction but the absolute denial in such a God who could so easily be expoited by His representatives on the Kingdom of earth ? What else could be the result but the total annihilation of everything connected with the Spirit of God ?

One of the results of the " shameful laws of the dead past " was that the Muslim youth stood in rebellion against the supposed Godly traditions. TAJ KHAN SHADIJEVA, a revolutionary girl coaxed the puritans :

A tempest tears the sombre clouds
Of the accursed chachbhuvan, lift up your eyes !
Bilnd, crazy, error's curtain rent ;
Over thrown the law of the dead past
In mouldering huts,
Cramped and low-roofed.
In boggy fields the dawn is red.
Lo ! in the East from burning eyes
Of million souls flashes one will.
The shameful laws of the dead past
For acons cast a net O'er you.
Ye brown-skinned women,
Haste work,
Unveiled ! Ye weave
The dawn's red glow
Away with the Pranja.

As the storm of the Bolshevik revolution subsided and calm prevailed Muslim Russia also settled down. The Spirit of Islam, in fact, checked the drifting sand and establised the Islamic polity in its relationship to the individual. Islam as one national force was never known in Godly Russia. Now, in Godless Russia, it is recognised as a religious faith to which 28 million Muslims belong. Islam today in the Soviet Union has become a spiritual bond between the Muslims of six different Republics. Its national unity now has merged into one Russian nationality.

It is not true to say that the Godless Communist regime wants to destroy the religicus faiths. Never before in the history of Russia, churches and mosques were so full as today.

GUNNAR FAGRELL, a recent American tourist to Moscow, and that too in not a very friendly mood, wrote on the State of Religion in the Communist Mecca :

" The Soviet Union boasts of complete religious freedom. But no member of the well-disciplined Communist party is allowed to be a member of the Church.

" I decided to visit some churches one Sunday, and asked our Russian clerk for advice. She immediately offered to take me to the biggest and best known of the lot, but I declined the offer. I wanted to see the inside of the little Church just around the corner. That seemed to cause some confusion. The

Russian lady said she believed it was under repairs which was enough to make me curious. If there isn't enough building material in Moscow to repair essential dwellings, was it likely that the persecuted Churches would get material? The entire argument seemed suspicious and I insisted upon following my original plan. All right if I insisted......We could not get inside the Church. It was too packed. People were standing like sardines, and far away we could see the priest conduct the mass in his richly embroidered robe. I looked at the congregation and found, that women, as usual, were in the majority. The average age must have been around 50, but was surprised to find some quite young men in the crowd. Our Russian clerk was right. This Church was under repairs, but I could not get any satisfactory answer as to how the material and labour were allocated The next church we visited was a big one. There too were enormous crowds, and as this was apparently one of the "show cases", visiting foreigners could come closer to the altar through a small side door."

LENIN, the Father of Russia, pledged to the Muslims of the Soviet Union: "Mohammadans of Russia, Tartars of the Volga and the Crimea, Kirghiz and Sartes of Siberia and Turkistan, Turks and Tartars of Transcaucasia, your beliefs and customs, your national institutions and culture are hereafter free and inviolable. You have the right to them....."

Lenin used the words, MOHAMMADANS OF RUSSIA first and then divided them into geographical nationalities.

The Godless philosophy of Marx became the best Charter of Human Rights since the message of Islam as a result of the evolutionary experiments undergone in the U. S. S. R.

There are today in the Soviet Union, 1,312 mosques, served by 8,052 mullahs, 285 shaikhs, 528 ishams and other religious orders. These figures include all muslim trends, SUNNIITES, SHIAIITES and strangely enough even ISMAILIITES.

A congress of Muslims of Central Asia was held in 1948 at Tashkent which was attended by 1,115 delegates, each delegate elected at public meetings which are usually held in Muslim Russia after Friday prayers in the city. The congress opened with recitations from the Quran and with prayers.

Though the Quran has been translated into local languages of the Central Asia, prayers are held in Arabic only.

The Congress approved the concentration in the religious administration of the settlement of all religious disputes among the Muslims of Central Asia and Kazkhstan and the corresponding *Fatwahs* that were decided upon in this connection, also the appointment of Khatibs, Imams and others carrying out religious duties. The Congress decided to publish the Quran in large printings.

The Religious Organisation of Muslim Russia, publishes a regular journal devoted to Islam. Every year a Muslim Religious Calendar (with Hijri years)

is also brought out. Several training colleges for Imams have also been opened. For the last three years pilgrimage to the Holy Places, including the Haj, have been permitted.

A copy of the Quran written by the third Caliph, Usman, and believed to be the oldest in existence, receives homage by all visitors even in Godless Communist Russia. The Quran is kept in the mosque of Tilla Shaikh in Tashkent. During the session of the Congress the entire gathering visited the mosque as a body and paid their respects to the copy of the Quran.

The natural, material and secular gains of the Muslim peoples of the Godless State of Russia have been unprecedented in the annals of the history. Over ten million children are today receiving education in their native languages. There are 8,000 libraries, 9,000 clubs and people's houses and 53 museums. The languages of the Muslim peoples are gaining impetus and there is a rapid revival and re-orientation of much that was lost in the storm of the revolution. The percentage of literates in Muslim republics is nearly 90 percent today to hardly 3 percent when both the Russian and Muslim regions were believed to be Godly. There are 45 higher educational establishments in six Republics, including a Central Asian University and branches of the Soviet Academy of Sciences, where only Muslim scientists are employed.

The only thing which can be said against the Godless State of Russia is that it does not permit religious propaganda and does not recognise conversions though the State gives full recognition to anti-religious propaganda. But does a Muslim State, based on the objectives of the Quran, permit or even recognise anti-God propaganda ? Do not we know that even the sectarian faiths are not recognised in the States based upon opposite beliefs ? Does the Shia State of Iran allow Sunni propaganda ? Does the Wahabi State of Saudi Arabia permit anti-Wahabi propaganda ? As far as we know, except Pakistan, none of the Muslim States permit Qadiani propaganda ? Thus in order to ensure to citizens freedom of conscience, the mosque (the church) must be separated from the State as has already been done in Turkey.

" Unless State and Church pursue an independent path, liberty is sacrificed ; for either fusion or partnership will, infact involve a conflict of supermacy ", says Professor Harold Laski.

This is the picture of the Godless Communist Russia with which we have been asked not to have any relation whatsoever and not even look at their evolutionary experiments as they are ' deniers ' and we are ' believers '. It is like wrapping the *Ultimate Reality* in a piece of the most gorgeous and antique brocade and putting IT away nearest to the roof far from the throbs of life.

Here is a picture from Godly Egypt.....MAURICE HINDUS in earnest search of a future, is the painter :

"The ornate houses and glittering mosques elbowed by the smoky earth-floored, fly-infested hovels of the fellah, the shiny American automobiles meeting the donkey or camel train, the multilingual elegant Pasha conscious of his diamond tie pin and western tailoring but oblivious of the illiterate disease-riddled fellah, the gay muslim girls in their Paris clothes and make up, the black-robed veiled women and the swarms of filthy, sickly children, whose eyes drip puss. Probably nowhere else are the contrasts between extravagant luxury and direst poverty so flagrant as here."

Here are three other pictures by the same pen :

"The man's scarlet tarboosh with its dangling silk tassel, the gleam of his diamond stick pin, the still layer diamond on his finger, his superbly tailored European business suit, his effusive hospitality, the fluency of his French and English, the grace and gallantry of his manner, all bespoke a man of wealth and culture. He criticizes the British as the cause of all evils from which suffers Egypt. Yet when I asked the Pasha whether the British had ever banned or thwarted an agrarian reform, he admitted that they had not. When I further asked why there was no such reform, he dismissed it with the bland remark that it was a matter of higher politics."

" The mud huts were low and dingy, with nowhere a hint of comfort, a glint of decoration; rarely is there glass in the window Glass is too expensive for a fellah. The entrance is through the stable in which not only the buffalo but also the goat and the sheep and the poultry are housed. There is no separate chamber for the spacious mud-brick oven, and since the only outlet for the smoke is the door, the walls and ceiling are black with soot, Dung is commonest fuel, gathered by the women and children from the fields and roads. The smells in the house are so unpleasant to western nostrils that the odour of smoke when there is a fire, is a relief. Flies infest the house......"

" The fellahin, the women to slightly less degree than the men, are perhaps the most diseased people in the world. Malaria is rampant ; at least two-thirds of the peasantry are afflicted with it. Trachoma and other infections of the eyes are widespread. Hookworm is a perpetual affliction. But the number one scourge of the rural population is bilharziosis, caused by a parasite Bilharzia haematobia, ...competent foreigners and native physicians estimate that from 70 to 80 percent of the peasantry suffer from hookworm and bilharziosis."

A. T. STEELE, writing in THE NEW YORK HERALD TRIBUNE, of the conditions in another Godly State, says : "......in short Persia (Iran) has been chronically ill a long time. But ' hopeless ' is too extreme a term......It is the victim of much the

same kind of inner deterioration that softened China for Communist conquest. Persia's choice is between evolutionary change now or possible revolutionary change later. Since revolution would be likely play into the hands of Communists, most Persians......and of-course Persia's western friends—hope for an evolutionary way out of the country's difficulties. Progress is slow and it is still an open question whether these hopes can be realized......Even a casual visitor can get a superficial impression of the basic trouble in a one-hour drive through Teheran and the adjacent countries. In the city he sees, along with a fair amount of poverty, a plenitude of flashy American cars, expensive mansions, well dressed people and shop windows richly stocked with luxury goods from the factories of America and Europe. In the country-side where most Persians live, he encounters the depressing backwardness of a semi-feudal economy... Persia's trouble, the visitor concludes, is that a few people have much too much and too many people have much too little. This is over-simplification, but it does touch on the heart of the difficulty. A feudal system of land tenure combined with too much administrative corruption and inefficiency and too little concern for the welfare of the general population makes a set-up that Communist propaganda delights in exploiting. In fact, the surprising thing is that the Reds have not made deeper inroads...main obstacle to fundamental reform is the so-called old guard. The old guard is a collective lable for the bigger land-owners, the wealthy merchants, the

money-lenders, THE ULTRA-CONSERVATIVE MUSLIM CLERGY, and a coterie of opportunistic politicians. Together they comprise less than one percent of the population, but they pretty much dominate the lives of the other 99 per cent. Persia's agrarian problem is rooted in the fact that a few hundred families own most of the country's land. Land owners count their holdings not in terms of individual farms. But of whole villages and groups of villages. Some families can claim ownership of from 50 to more than 200 villages......it is more common to find them living lives of idleness in the cities......ninety percent of the peasantry are illiterate and great numbers of them go through life in chronic state of ill health......"

The picture of Pakistan, as we see it today, does not differ in the least bit. Every detail will fit in here as well. But is it really Godliness ? Is it an Islamic order ? Is it even democracy ?

Take the example of other Godly States— America and Britain. They too have their capitalists and landlords. They too have slums, poverty, disease, unemployment and hunger.

If a State does not mix God with politics, it does not become " denier " Neither Turkey nor Egypt is a Godly State in that sense ; even our Quaid-e-Azam had visualised that Pakistan in its highest form of Islamic democracy would develop a system in which " Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious

sense because that is the personal faith of each individual but in the political sense because that is the personal faith of each individual as citizens of the State." WHAT ELSE IS THE GODLESS U.S.S.R.? So let us not say that we shall never want to learn from this and that. We will go even to China to seek knowledge.

We have a philosophy of life infinitely superior to both the western and the Communist philosophies but we have not been able to mould that philosophy of ours into a practical shape. The result we see in general decadence of Islam everywhere. The force which makes our philosophy of life superior to others is the SPIRITUAL FORCE behind our fundamentals. Let us continue to believe in this SPIRITUAL FORCE. Let us not accept the Godlessness of the Communist States. But let us welcome all that is natural, secular and material in the Communist economic States for they are really very near to our own ideals. We hope that in time to come the ever-increasing Godly forces in the Soviet Union would give recognition to the SPIRITUAL FORCE which forms the driving force of millions of their peoples even today. In 33 years they have advanced considerably from the Marxist philosophy of life, thanks to the Spirit of Evolution. Let us say, in another 33 years time they would be the ideal Muslim state which the Prophet of Islam had visualised.

However, the Soviet Union has not yet passed the experimental stage. Their state-craft is not

yet perfect. It is understandable. But we cannot wait for their perfection. We have to march onward too, with the flying speed of the times. So, we must not be totally blind to the mighty constitutional structures of the U. S. A. and to the momentous historical build-ups of Great Britain, France, Switzerland and the Commonwealth of Nations. They may practise Godlessness in spite of their being Godly States but their State-machinery looks magnificent. We will do well to examine them minutely. We may discover that push button, a mere touch of which has given them an unbelievable speed of progress. By wedding the intellect of the West with the love and peace of Islam, we may yet succeed in presenting to the world a better model than the best.

Harmonious Constitutional Concepts.

As the Human society of the present century is not primitive, it has to submit to the dictates of a constitutional Government. If left free to drift away hither and thither according to its moods and whims, it will not be able to stand the ups and downs of the times and will completely break down.

The father of Utopians, SIR THOMAS MOORE fought for a social order which did not accept any barriers or limits and wanted man to become a little God within his own range of activities. It has not worked so far and reason successfully argues that it would never succeed, for if it did, it would mean complete anarchy. Some of the leading British

thinkers, historians and political scientists have vigorously advocated the *Moorean* philosophy but when faced with realities failed.

MACAULAY stated: " Nothing is so galling to a people, not broken in from the birth, as a paternal, or, in other words, a meddling government, a government which tells them what to read, and say, and eat, and drink, and wear."

When himself at the helm of affairs, he did not hesitate to regulate the lives of people. He openly meddled on governmental level and even told them what to read, and say..... and wear.

J. S. MILL, like ROUSSEAU fought against all controls and proclaimed: " Neither one person, nor any number of persons, is warranted in saying to another human creature of ripe years, that he shall not do with his life, for his benefit, what he chooses to do with it."

HOWEVER, when face to face with the realities of a disciplined society, J. S. Mill had to speak for " the greatest amount of beneficial consequences, immediate and prospective " and had to admit the possibilities of a " Completely popular Government ". He had to take into account " the circumstances " and admit that the ideally best form of government, it is scarcely necessary to say, does not mean one which is practicable or eligible in all states of civilisation, but the one which, in the circumstances in which it is practicable and eligible, is attended with the greatest

amount of beneficial consequences, immediate and prospective. A completely popular government is the only polity which can make out any claim to this character.

The Quran commanded Muslims, in fact the entire humanity, to form the government or governments on that basis alone. That was the reason why the universe was proclaimed as the kingdom or the Commonwealth of God. The Quran does not permit anarchy and that is the only reason why it did not appreciate the *Soofia-e-Karam's* eternal bliss. It introduced a wordly order in a heavenly kingdom. It regulated and directed every aspect of human life. In the words of S. W. Jones, the Quranic conception of polity is indeed :

> 'Not high raised battlements or laboured mound,
> Thick wall or moated gate.

but :

> No : men, high-minded men,
> Men, who their duties know,
> But know their rights, and knowing, dare maintain,
>
> THESE CONSTITUTE STATE.

To formulate the rights of the people and for the maintenance of those rights, it is necessary to have a pattern of government, a well thought out constitution which may bring in its fold, the 'greatest amount of beneficial consequences' for the society.

Those who either in frustration or disinterestedness, throw up their hands and shout with Pope :

For forms of Government let fools contest,

Whatever is best administered is best, ..."

are living in a fool's paradise. Pakistan, particularly cannot afford such an attitude. It is necessary for her to constitute a form of government which will bring the greatest good for the largest number of her people.

We agree that constitution is only a plan and it is not practical to have a rigid plan. The form of government must frequently require changes. All the constitutions of the world have changed since their inceptions. The Soviet constitution was considerably revised in 1947, third time in 33 years. This was the reason why the Quran encouraged Ijtehad, evolution.

Ibn Khaldun, the Muslim Darwin, born 450 years before the 'Monkey-God' in support of this idea wrote "Know thou, may God enlighten us and thee, that we in this world and all creation therein arranged in an orderly and exact manner, with effects linked to causes, and forms connected to forms, and the evolution of some existent beings into others. Its wonders in this respect never cease and its results are never at an end......Then contemplate thou the world of beings. How it commenced from minerals, then plant life, then animals, and rose by degrees to

new appearances, the last plane of the minerals connecting with the first plane of the vegetables, like the seedless vegetation; and the higher plants, like the vine and the date-palm, connecting with the lowest forms of animal life, like the climax and the mollusc, which possess only a sense of touch. The significance of the connections in these states of existence is that the last plane is ready by close adaptability (prepared nearness) to become the first plane following it. So the animal world broadened, its varieties multiplied and it terminated in the gradual formation of the master of thought and reflection."

Choosing a form of government for Pakistan should also be done with the same spirit of evolution so that we may be able to proclaim :

> It is the land that freemen till,
> That sober-suited freedom chose ;
> The land, where girt with friends or foes
> A man may speak the thing he will ;
> A land of settled government,
> A land of just and old renown,
> Where freedom slowly broadens down
> From precedent to precedent.

The history of the political science cites the examples of three types (forms) of governments. ......Royalty (the rule of the one), Aristocracy (the rule of the few), Polity (the rule of the whole people). The rule of the one if not constitutional can be tyrannical like that in Afghanistan but is not necessarily monarchical like that of Hitler. The rule

of the one can also be like that of Mussolini which acknowledged the 'Divine Right of Kingship' but held in firm grip the noose of that Divine kingship. The rule of Aristocracy which is also understood by Oligarchy is now only to be seen in Lands-ends of the civilisation. Polity is democracy, the rule of the whole people.

Islam is opposed to both the rule of the thrones and the dictates of the Oligarchy or even the individual dictator. For Islam there is only democracy.

Democracy has three distinct forms of governments : Unitary which may be constitutional monarchy or a republic, Federation which is fundamentally a republican form of government and confederation which is an alliance between two or more states, not necessarily adhering to one constitutional pattern.

Great Britain is a Unitary government. This type of Government is not possible in a country like Pakistan which is composed of two units, geographically separated by great distances. The unitary government does not recognise units at all. The Central Government commands supreme powers and provincial units have only municipal authority created by the Central authority. The legal and constitutional authority rests with the central government only. The units are only administrative conveniences and no more. Their laws are only municipal bye-laws. They are in no way governments.

This was actually the form of Government practiced in early Islam. The governments of the first four Caliphs, were unitary governments. However, the Islamic influences advanced and the territory of the Khilafat expanded. Muslim polity took the form of a federal government with a strong centre. After a few centuries, it became a very loose federation.

Those days the means of communication were not easy and Islamic democracy had taken the shapes of Aristocracy and Monarchy, which were not able to retain their authority over their scattered vast territories. The units or the provinces were only in name under the suzerainty of the Khalifa. In most cases the representative authority of the central Khilafat did not consider itself even a member of the family of nations or the Commonwealth.

Today, in a country like Pakistan this form of Government is not possible.

We are no doubt one nation but our units are complete by themselves and Eastern Pakistan by itself is one of the largest Muslim units of the Islamic world, with a population of 45 millions. None of the units, particularly Eastern Pakistan can be treated as "municipalities" unless the very fibre of our *facet compact*, is destroyed. The distances are so great and the means of communication so delaying, that it will be absolutely impractical from administrative point of view alone unless we adopt the imperialist attitude of Britain. The tragedy of Ireland is before

us. We do not want to repeat the folly of Britain and weaken our national bond with Eastern Pakistan.

DE LOLME has summed up the power of the British parliament : " It is a fundamental principle with English lawyers, that parliament can do everything but make a woman a man and a man a woman." Such a freedom is unthinkable in Islamic polity.

For the same reason confederation will also not be suitable to Pakistan as it is only a loose alliance between two states and may be broken at any time by any one party of the alliance. This will wipe out the very foundations of our one nation theory and will make Pakistan meaningless. Never in the history of Islamic conquests and governmental achievements, the State has accepted confederation between its various units. That was the reason that Islamic authority, inspite the decadence of its rulers remained imposing and awe-inspiring till twilight completely overpowered them and made them disappear altogether.

The Quaid-i-Azam has advised us to a dopt a federal form of government. That is the only possibility.

Quaid-i-Azam and Federation.

Speaking at the Madras Session of the All-India Muslim League in 1941, the Quaid-i-Azam described the goal of the Mussalmans " the establishment of complete independent states in the North-Western and Eastern zones of India with full control of defence, foreign affairs, communication, customs,

currency, exchange etc." Clearly, the Quaid-i-Azam had envisaged a strong Central Government in the form of a Federation, having full control of some of these essential subjects which other Federal Governments also control.

But the Quaid-i-Azam was not happy with that type of Federal Government which will be formed by majority. He explained: " It is not as some people, mix it up, question of Muslims objecting to the Government which should be really based on the brotherhood of man as it is very often said by people who really do not understand what they are talking about when they talk about democracy or when they talk about Islam. Democracy means to begin with majority rule. *Majority rule in a single society is understandable although even there it has failed. Representative Government in a single nation harmonious-homogenous in one society is understandable.* We are determined that there shall be no mistake to establish the status of an independent State in this sub-continent."

These statements prove that the Quaid-i-Azam had conceived the idea of a Federal pattern of Government for Pakistan, ruled by a Representative Government on single nation basis, linking both the North Western and Eastern Pakistan by the only bond of one Islamic nationality.

However, the Quaid-i-Azam had a very clear cut picture of the superlative powers behind a Federal Government. He thought a Federal Government in

a homogeneous and harmonious nation or society is possible. He could understand the merits of the rule by majority in a single society though he was not altogether happy as he had found it had often failed the welfare of a large number of people. He preferred the Soviet *Representative* form of Federal Government.

The Quaid-i-Azam would have rejected any sort of loose federation or confederation for his constitutional mind had understood "federation, however described and in whatever terms it is put, must ultimately deprive the federating units of the authority in all vital matters. The units, despite themselves would be compelled to grant more and more powers to the Central Authority until in the end the strong Central Government will have been established by the units themselves and they will be driven to do so by absolute necessity, if the basis of a Federal Government is accepted. Taking for instance the United States and her history, the Dominion of Canada and Australia, the Union of South Africa and Germany and of other lands where federal or confederal systems have been in existence, necessity has driven the component members and obliged them to increase and delegate their power and authority to the connecting link, namely the Central Government. ......It is not of much importance whether the units in theory have the residuary powers or the centre. But once the units accept the basis of a Federal Central Government, it follows that it will inevitably

and out of sheer necessity resolve itself into an all-powerful Central Authority and the units will be compelled to grant and delegate more and more powers to *connecting links*, the Centre, which also can hold these units as connecting link, more or less like a country council or glorified municipalities or feudatory states under the Central Authority."

The Quaid-i-Azam did not accept such an all-power federation for one India for it was " bound to lead in the long run to the emasculation of the entire Muslim nation, socially, educationally and to the establishment of the Hindu majority Raj in this sub-continent. However, as Pakistan was a nation-state with safely protected minorities with a single social, cultural, educational and spiritual conception, he did not mind strong Central Representative Federal Government. He had built up an idea of the Representative Government as this was the only form of government which could have safeguarded the units from getting " tightened and pulverised ".

He advised the Constituent Assembly of Pakistan on August, 11, 1947 to " adopt a provisional Constitution of the Federal Legislature of Pakistan ". He reminded the nation in a speech at Sibi Durbar on February, 14, 1948, the Quranic conception of this Representative form of Government that " decisions in the affairs of the State shall be guided by discussions and consultations."

Explaining the structure of the Federal State of Pakistan, in a broadcast talk to the people of Australia

on February 19, 1948, Quaid-i-Azam explained how it was natural and possible to keep the unity between the North-Western and Eastern Pakistan. The distances are great, the present means of communications are long and diffiqult but there is "faith in Almighty God" which will keep the two main units of Pakistan united. Not only faith in the Ultimate Reality but also in the life of the Ultimate Reality, that is, faith in ourselves and in our destiny expressing the spirit of Pakistan.

The Quaid-i-Azam's Federal State of Pakisran was to be built " by the members of the brotherhood of Islam in which all are equal in rights, dignity and self-respect.' The Quaid-i-Azam explained to the people of Australia that both ends of Pakistan will keep their federal bond of unity intact because ' We have a special and very deep sense of unity." But as Islam did not tolerate "priests with a divine mission', Pakistani's agree with me that whatever else you may be and whatever you are, you are a Muslim. You belong to a Nation now ; you have now carved out a territory, vast territory. *It is all yours* : it does not belong to a Punjabi or a Sindhi or a Pathan, or a Bengali, *it is yours. You have got your Central Government where several units are represented.* Therefore, if you want to build up yourself into a Nation for God's sake give up this provincialism. Provincialism has been one of the curses and *so is sectionalism—Shia and Sunni etc.*

"... ...Now I ask you to get rid of this Provincialism because as long as you allow this poison to remain in the body-politic of Pakistan, believe me you will never be a strong nation, and you will never be able to achieve what I wish we could achieve."

The Quaid-i-Azam was absolutely determined that the spirit of the democracy of Pakistan may develop on the basis of one single nation. He believed it was the British who had nourished this curse. He reminded the people diseased with the curse of sectionalism and provincialism : " It was no concern of our predecessor Government ; it was no concern of theirs to worry about it ; they were here to carry on the administration, maintain law and order and to carry on their trade and exploit India as much as they could. But now we are in a different position altogether. Now, I give you an example. Take America. When it threw off British rule and declared itself independent, how many nations were there ? It had many races, Spaniards, French, Germans, Italians, English, Dutch, and many more. Well there they were. They had many difficulties. But mind you, their nations were actually in existence and they were great nations, whereas you had nothing. You have got Pakistan only now. But there a Frenchman could say : " I am a Frenchman and belong to a great nation, and so on. But what happened ? They understood and they realised their difficulties because they had sense, and within a very short time they solved their problems and

destroyed all this sectionalism, and they were able to speak not as Germans or Frenchmen or Englishmen or Spaniards but as Americans. They spoke in this spirit : "I A AM AN AMERICAN ' AND 'WE ARE AMERICANS'. And so you should think, live and ACT IN TERMS THAT YOUR COUNTRY IS PAKISTAN AND YOU ARE A PAKISTANI."

The Quaid-i-Azam demanded of all units " complete solidarity, unity and discipline." Pakistan to him meant 'the birth of a great State and a great nation......one supplementing the other and both existing for each other. He believed there were limitless possibilities of our State and our nation and also limitless possibilities of evolving an ideal social structure in our State and he wanted us " to adjust ourselves to new forces " and not to think only in terms of government. He also desired that we "must learn to distinguish between our love of our province and our love and duty to the State as a whole, as he told the students of Islamia College, Peshawar on April 12, 1948. He explained this relationship between the Central Government and the Provincial units : " Our duty to the State takes us a stage beyond provincialism. It demands a broader sense of vision, and greater sense of patriotism. Our duty to the State often demands that we must be ready to submerge our individual or provincial interests into the common cause for common good. Our duty to the State comes first ; our duty to our province, or our district, to our town and to our village and

ourselves come next. *Remember we are building up a State which is going to play its full part in the destinies of the whole Islamic world.* We therefore need a wider outlook, an outlook which transcends the boundaries of provinces, limited nationalism and racialism. We must develop a sense of patriotism which should galvanise and weld us into one limited and strong nation. That is the only way in which we can achieve our goal, the goal of our struggle, the goal for which millions of Mussalmans have lost their all and laid down their lives."

Again in a broadcast speech from Radio Pakistan Dacca, he reminded the people of East Pakistan "to realise that a newly-formed State like Pakistan, consisting moreover as it does of two widely separated parts, cohesion and solidarity amongst all its citizens, from whatever part they may come, is essential for its progress, nay for its very survival. Pakistan is the embodiment of the unity of the Muslim nation and so it must remain. That unity we, as true Muslims, must jealously guard and preserve. If we begin to think ourselves as Bengalis, Punjabis, Sindhis, etc., then Pakistan is bound to disintegrate.

To the Quaid-i-Azam the 'part' or 'the unit' had no value and strength except "within a whole". He simply hated those people who "seem so easily to forget and begin to prize local, sectional or provincial interests above and regardless of the national interests." It actually *pained* him "to find the curse of provincialism holding sway over any section of

Pakistanis. He at times pleaded with people " to rid of this evil " and at times was very bitter that they did not understand that " it was a relic of the old administration when they clung to provincial autonomy and local liberty of action to avoid control which previously meant British control ". He thought that " it was folly to continue to think in the same terms when our own Central Government was in power, especially at a time when our State is so new and faces such tremendous, problems, both internal and external." He went so far as to call " any subordination of the larger interest of the State to the provincial or local or personal interest as sectional. Till his last moments, he repeatadly pleaded, command and advised, according to the gravity of the moment that " these whisperings of *mulki* and *non-mulki* are neither profitable for the land nor worthy of it. We are now all Pakistanis...not Baluchis, Pathans, Sindhis, Bengalis, Punjabis and so on......and as Pakistanis we must feel, behave and act, and we should be proud to be known as Pakistanis and nothing else."

The Quaid-i-Azam was emphatic and determined not to accept the demend of the Bengalies for two State languages. " The State language of Pakistan is going to be Urdu and no other language. Without one State language, no nation can remain tied up solidly together and function. He said this repeatedly. But, while he wanted Urdu to be the language of the Federal Central Government, he wanted the units to be assured that the language of their

provinces would not be buried. He told the Bengalis : " Let me tell you in the clearest language that there is no truth that your normal life is going to be touched or disturbed, so far as your Bengali language is concerned. But ultimately it is for you, the people of this province, to decide what shall be the language of your province.

He also gave perfect liberty to the units " to have by constitutianal means any government that you may choose......The government and its policy may be changed by the votes of the elected representatives of the Provincial Legislative Assembly."

He did not like confederation or loose federation for the very reason that he wanted to keep the units " compact " at this critical period of Pakistan's history. He did allow unitary legislation powers to units but did not forsee for a long time units to be autonomous. He wanted them to be well *Represented* at the Central Government, sharing with the Federal Power equal legislative and ruling rights. Both in America and U. S. S. R., this was the case in the early stages of their independence. As the State stood firm on its feet and the people accepted the one all-resourceful nationality, the units gained more residuary powers. Now the units in U. S. S. R., particularly are absolutely autonomous in their local administratious. Same is the case in the U. S. A.

Let us now examine in details the chief characteristics of Federations and decide which of them

will suit us. During the course of our examination, we better keep in view what we have just learnt from our Quaid-i-Azam.

Chief Features of Federation.

There are three distinct types of Federal Governments in Power today......the American, Russian and the Swiss. Besides these some exclusive features are also to be found in the Commonwealths of Australia, Canada, Bharat and South Africa.

JAMES BRYCE thinks "federalism connotes a high degree of political experience for its successful establishment and working."

FREEMAN defines federation as "the name of Federal Government which may be applied to any union of component members, where the degree of union between the members surpasses that of mere alliance, however intimate, and where the degree of independence possessed by each member surpasses anything which can fairly come under the head of merely municipal freedom."

LORD CHARNWOOD says than in a federal constitution "one important part of Government is discharged by a number of different authorities belonging each to one district or province of the country, and another part of the Government is discharged by a single authority distinct from all the others and belonging to the whole country."

FREEMAN explaining his definition points out: "Two requisites seem necessary to constitute a federal government. On the one hand, each of the members of the union must be wholly independent in those matters which concern one member only. On the other hand, all must be subject to the whole body of members collectively."

These two requisites may form a union or culminate into a 'unity'. Both will be federal organisations. One integrates the requisites if the forces are centripetal and the other disintegrates the smaller units if the centrifugal forces dominate.

The Federations of the United States of America, the U. S. S. R. the Commonwealth of Australia and the confederation of Switzerland are formed on the basis of union and not unity. It is 'the willing cooperation of several states, till then absolutely independent, both internally and externally, to surrender a part of their authority which they voluntarily establish over themselves for the discharge of such functions of government as are of national importance as opposed to local interest, while retaining at the same time those other functions which they are capable of discharging themselves separately.

A federation whose main spirit is centrifugal is actually a 'big State parcelled out into two or more smaller states, the latter entrusted with the discharge of functions of local or provincial interest, and the original state retaining in its hand all other matters

of national importance.' Those tendencies are to be found in the Federations of Canada and the Union of South Africa.

Pakistan was carved out of India on one nation theory and the central force behind the movement of Pakistan was the feeling of common brotherhood and the spirit of unity. Pakistan's very name suggests that it is not a union but a factual unity. If we base our Constitution on the basis of union, Pakistan will disintegrate. On the other hand if we keep the spirit of unity alive between its large provincial units, its integrity will not suffer. There has to be 'unity' between the Eastern and Western parts of Pakistan and not union.

The South Africa Federation through outwardly is a union as its title suggests but basically it is a unity as the resolution of the South Africa Cape House passed on June 9, 1871, recommended: "And as it may be expedient that the colony should be divided into three or more provincial governments for the management of their domestic affairs formed into a federative union under a general government for the management of affairs affecting the interest and relations of the *United Colony......*"

B. P. C. Proposals.

The Basic Principles Committee in its interim report has proposed that "the name of the State should be Pakistan, which should be a Federation of the Governor's Provinces, the Chief Commissioner's

Province, the Capital of the Federation and such States as have acceded or may accede to the Federation.

" All other territories not specified above which form part of Pakistan on the date of the enforcement of this constitution should be included in the territories of Pakistan."

The report has also proposed that " the Central Legislature may be law " which will have the powers " to increase the area of any province, diminish the area of any province, alter the boundaries of any province, even alter the name of any province."

These principles are quite in line with the conception of federation based on the basis of unity and strongly influenced by a centrifugal force. These principles are not even basically opposed to Islamic system of a Federal Khilafat.

The Majlis-e-Shura (Central legislature) has always been the " final law " since the times of the Prophet Mohammad.

The Central Government having the power to alter the boundaries and names of Provinces will remain democratic provided it acts in consultation with the will and the wishes of the pecple, living in those provinces. In early Islamic history, the Central authority had possessed the powers to alter the boundaries and names of provinces. However, if we have to align our democracy with modern trends,

tendencies, emotions and sentiments of the peoples, we are bound to respect the will and wishes of the people and treat them as capable of the same intelligence as ourselves and thus left free to decide upon their own local needs. The Quranic Islam does not permit for a minute any encroachment on the territories of the individuals unless they prove to be deterimental to the very foundations of the Islamic polity.

Thus, if we have to form a strong united Central Government, we will have to accord equal rights and complete freedom to all units in their limited spheres. That was the reason that the Quaid-i-Azam would not accept any other form of Federation but a Representative Central Government for Pakistan. The Quaid-i-Azam had desired Pakistan to be ruled by an equitable Representation of Units and not by the dominant unitary forces.

Actually, the later part (part II, clause 5) of the Proposed Basic Principles does strike at the very root of the Federal Unity. The Federation has to be the will of the whole people (polity) and not a rule of an *Aristocrat Unit.*

The proposal bestows the powers for any such alteration to the ruling part, of the Central Legislature. Why the ruling party alone ? In a unity every individual having a franchise, should possess this right.

The proposal also allows a territorial representation on this point which may speak for the majority of public opinion in the unit or Province concerned through its legislative body. This representation may be made either to the Head of the State direct or through a legislative resolution.

What is, however, wrong with this 'power', is that such alterations may be made by the Central Government and the territorial or the unitary governments are expected only to make representation and not decide themselves. Imagine the Central Government making alterations of boundaries and names of provinces in spite of the objections and hostility of the people concerned in the Punjab, N. W. F. P., Baluchistan, Sind and Eastern Pakistan. It will not be a the type of Representative Federalism the Quaid-i-Azam had envisaged.

Let us take the example of Baluchistan. It may be that Baluchistan, if given the status of the self-sufficient and independent unit, will have to be amalgamated with a neighbouring province—Sind or N.-W. F. P. Legislative representation alone will not be able to ascertain the wishes of the people therein but a referendum will have to be required.

We think units should possess the final powers to change their historical traditions and geographical boundaries and the Central Government should have the powers to veto it in consideration of the State as a whole. In a veto, the collective voice of all

representatives must be adhered to. In case, the unit concerned is determined to oppose the wishes of the Central legislature, the matter should be referred to a referendum and the verdict must be accepted by both the Central Government and the unit concerned. In a democracy we have to be patient and accommodating even though we may be convinced that we are right and the other is wrong otherwise the 'other will in due course become 'a running abscess'.

Relationship between The Central and Units.

The special features of a Federal Constitution, according to HERMAN FINER, are the distribution of legislative and administrative powers together with representation of the States in the Federal parliament and special revenue arrangements, (*i.e.*, the co-existence of two governments), the rigidity of the federal constitution, special position of the judiciary, and finally a special theory of allegiance and secession.

In a Federal Constitution the powers of the Central Government and the units are well defined and allocated on the basis of national importance and provincial or local interest. The matters of national importance are defence, foreign affairs, customs and tariffs, posts and telegraphs. The matters of unitary interest are education, health, sanitation, local administration and local sources of revenue. The Central or national government is also assigned sources of both indirect and direct taxation. These powers enable each government to maintain an independent

status with no legal rights to meddle with the affairs of the other and at the same time retain the spirit of unity.

It is possible that the problems appearing in the future may require to amend the powers and functions of both the Central Government and the units. There may crop up new functions. For this there is a safeguard in all federal constitutions of the world. The constitution of the United States and Switzerland have had frequent changes and the constitution of the U. S. S. R., was only recently (1947) altered considerably. These *residuary* or *unenumerated* powers may be vested in the provincial governments, like that in the U. S. A. or in the Central Government, like in Canada.

The Basic Principles Interim Report proposes that in the event of inconsistencies and conflicts between laws made by the Central legislature and laws made by the provincial leygislatures provision should be made for the federal laws to prevail over the provincial laws. This on the face of it sounds very undemocratic because in a Representative Federal Government laws made for the benefit of the nation as a whole are made with the consent and concurrence of the overwhelming majority and have the sanction of all units fully and equally represented at the Centre. However, in practice it is not going to be as bad as Article XIII of the German Constitution, 1919 which laid down that 'federal law overrides State (unit's) law'.

However one superlative condition has been imposed on the Central legislatures of the Government of Pakistan which makes the proposal all the more democratic. The condition is that ' the Federal court alone should be given this power under the constitution ', even ' the Head of the State should not possess powers to declare a provincial law *ultra vires*'. This is a remarkable improvement on the Soviet, the American and the Swiss conceptions.

Further the proposal offers (with a spirit of perfect unity) to the province the 'delegated powers' as well. It suggests that ' provision should be made authorising the Centre to delegate its powers to a province or some officer thereof, with the consent of that province and provision should also be made authorizing the Centre to take legislative or executive action *at the request of more than one province.*

Like all federal constitutions, Pakistan's Central Government has assigned separate legislative powers to be held exclusively by the Central legislature and by the provincial legislature and also by both inclusively. It gives residuary powers of legislation to the Centre like that of the Dominion of Canada. In U. S. A., however, the residuary powers are not assigned to the Central Government.

We feel that a country like Pakistan which has a large number of features like those in the U. S. A., will do better to adopt the American attitude towards these particular powers. A large unit like that of Eassern Pakistan, naturally resents to be treated as a dependency.

The Basic Principles of Pakistan have also awarded the Central legislature emergency powers to legislate for one or more provinces by consent and adoption of such legislation by other province.

If that power has to be confined to the need of the emergency only then there should be a clear pledge that soon after the emergency the act would become *ultra vires* unless adopted willingly by the provincial legislatures. The Basic Principles withhold this right from the provincial legislature. The report proposes that any such act " may be amended or repeated by an Act of the Central Legislature only." Why not the principle be that as soon as the emergency is over, the Act ceases to be void.

The term " Emergency " should also be defined. The Constitutions of the U. S. A., the U. S. S. R. and Switzerland explain that by Emergency they mean a situation whereby there is likelihood of a threat to the security of the State from a foreign invasion or an internal rebellion or uprising.

The proposed Basic Principle also encroach upon the unitary rights of a province or the unit when they propose that an Act of the Central legislature will have powers ' to impose duties, confer powers or authorise the conferring of powers to a province. In an emergency, yes, as the centrifugal forces combine to become supremely unitary and must have full powers to marshal, plan and regulate all forces of the units, but not otherwise. In a fully represented

united Government, the Centre should only mak elaws affecting a province where it has a widening and national effect.

The Basic Proposals for disputes in general suggest a Tribunal to be set up by the Chief Justice of Pakistan at the request of any party. For a dispute in regard to the interpretation of the Constitution between the provinces or between the Centre and one or more of the provinces, it is proposed to refer it to the Federal court of decision. Both principles have been lifted from the American preamble. The American Constitution is over-burdened by the *Doctrine of the Implied Powers......'* Powers not specifically assigned, yet implied or latent' in some other specified powers...... necessitating frequent litigations between the Federal power and the unitary powers. It is said that the federal government in U. S. A., has been strengthened by CHIEF JUSTICE MARSHALL, who was himself the greatest exponent of the doctrine which according to CHARLES A. BEARD AND MARY BEARD, joint authors of The Rise of American Civilisation, proved *'Pandoras' Box of wonders* and left many notable gaps in the specification of powers, filled later bv the decisions of the court.

The beauty of the Federal Constitution is that it should be a well-knitted and well thought out plan. It must be carefully drafted but at the same time should not be so rigid as to ignore the progressive possibilities of the future.

It is a very good thing that the Basic Proposals make the procedure for amendment of the constitution so very difficult.

The American Features.

The American Constitution in this respect is very poor indeed. The constitution of 1787 laid down the powers of the Congress simply that :

" The Congress shall have power to levy and collect taxes, duties, imports and excises, to pay the debts and provide for the common defence and general welfare of the United States, but all duties, imports and excises shall be uniform throughout the United States.

" To borrow money on the credit of the United States ;

" To regulate commerce with foreign nations and among the several States, and with the Indian tribes ; and concludingly......

" To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and other powers vested by this coustitution in the Government of the United States, or in any department or officer there of '. Very comprehensive words indeed but implying powers requiring the interpretations by the supreme court at every occasion of dispute. We must not repeat the folly.

The Doctrine of Implied Powers, propounded by the U. S. A. Supreme Court has accepted the right of secession when it has defined that " federation implies a union of states, independent or quasi-independent before they associated together. The Union of States may take any form. There is co-ordination, super-ordination, graduated subordination permanent or temporary arrangements, easy or difficult withdrawal or no withdrawal at all, partial or complete partnership, that which originates in the search for the individual advantage as conceived by the separate partners and that which is compelled by a common need and loyalty and which established a community of thought and behaviour selfishly regardful of the actors own good."

There are two distinct constitutional views in U. S. A., on this propoundation of the Supreme Court. One s headed by C. CALHOUN who advocates the right of the States in U. S. A. (units). The other is led by DAVID WEBSTER who asserts the right of the country as the whole.

CALHOUN has stated that ' the srates being parties, as distinct and integral units, to the federal union, brought about by their willing cc-operation in order to secure the advantages of that union, they were sovereign bodies and could, therefore break-up the union or secede from it as soon as they found that the union was no longer to their advantage.

Three times in the American history controversies started on this question. Firstly, the Kentucky and Virginia Resolutions clearly laid down " that the States, as such, entered the union and were integral units inside it. This had brought the question of secession of States to the fore but the issue was postponed by the repeal of the Alien and Sedition Acts, in 1812, and again in 1828, a similar controversey was raised on account of the outbreak of war (1812) and the imposition of tariff by the Congress (1828), which adversely affected the interests of South Carolina. On both occasions, there was a compromise and the fiual issue was merely postponed."

WEBSTER'S assertion was ' that the people of the country as a whole were the real parties to the union, and not the States'. He questioned 'the right of the States to nullify the Acts of Congress or to go out of the union.'

Webster actually got full support from the preamble of the Constitution of 1787 in their support : " We the people of the United States in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America."

The issue was again raised with the Civil War of 1861 when the Southern States wanted to secede

from the North. However, defeated in war and not by arguments they were cooerced into submission and since have remained within the federal government.

Similarly the Swiss Federal armed forces stopped the secession of Sonderbund from Switzerland in 1845.

JUDGE STOREY of U.S.A., suggested a compromising approach to the issue : " The only guarantee of individual rights and property are understood to consist in the peaceable appeal to the proper tribunals constituted by the government of such purposes ; or if these should fail, by the ultimate appeal to the good sense and integrity and justice of the majority of the people."

JUDGE MCCULLOCH expressed the view : " The Government which proceeds directly from the people, is ordained and established in the name of the people......The assent of the States, in their sovereign capacity is implied in calling a convention, and thus submitting that instrument to the people. But the people were at perfect liberty to accept it or reject it, and their act was final. It required not the affirmance, and could not be negatived by the State Government. The Constitution, when thus adopted, was of complete obligation, and bound the State sovereignties... The Government of the Union, then, is emphatically and truly a government of the people ; in form and substance it emanates from them. Its powers are granted by them, and are to be exercised directly on them and for their benefit."

Though the Swiss Constitution is a confederation and not a federation, we may well take note of this perfectly harmonious working State. It's constitution of 1874 states : " The peoples of the twenty sovereign cantons of Switzerland united in the present alliance ......form together the Swiss confederation."

The German Constitution of 1919 says that " all the authority emanates from the people."

Federation is a *facet compact* based on evident factors which promote it. Among these factors prominent are physical contiguity, economic incentive, political motives, racial and cultural factors.

America was not composed of detached and distinct territories but " one connected, fertile, wide-spreading country was the portion of our western sons of liberty ", observed HAMILTON.

R. H. BRAND said of South Africa : " The country, vast as it is in area, is destined by nature to be one."

Discussing the advantages of a union, Hamilton wrote : " The veins of commerce in every part will be replenished, and will acquire additional motion and vigour from a free circulation of the commodities of every part. Commercial enterprise will have much greater scope, from the diversity in the productions of the different States."

Regarding the factors of the political motives, Hamilton explained : " A strong sense of the value of

blessing and union induced the people, at a very early period, to institute a federal government to preserve and perpetuate it."

JAY'S appeal to his people to form a federation should make a very useful reading in Pakistan as some theorists and ultopians have been heard advocating the right of secession or a confederation instead of a strong Federal Central Government.

Jay said: "If they (the European powers) see that our national government is efficient and well administered, our trade prudently regulated, our militia properly managed, our credit re-established, our people free, contented, and united, they will be much more disposed to cultivate our friendship than provoke our resentment. If, on the other hand, they find us either destitute of an effectual government (each state doing right or wrong as to its rulers may seem convenient) or split into three or four independent and probably discordant republics or confedericies, one clinging to Britain, another to France and a third to Spain, and perhaps played off against each other by the three, what a poor, pitiful figure will America make in their eyes. How liable will she become not only to their contempt, but to their outrage, and how soon would dear-bought experience proclaim that when a people or family so divide, it never fails to be against itself."

However, Professor Dicey said: "there is always a possibility that in a federation either a dominant

state is likely to exercise an authority almost inconsistent with federal equality, or the many smaller states may easily combine to increase unduly the burdens in the way of taxation or otherwise, imposed upon the one most powerful State." This is definitely a possibility in a State like Pakistan having as neighbour hostile and unscrupulons peoples.

Dicey points out that " various cantons of Switzerland would have ever remained a cause of breach of peace in Europe, if they had not federated."

The strength of the American Government lies in its Federal system. And actually JOHN STUART MILL has advised to multiply federal union to bring the world to *One World* Federation.

PROF. HAROLD LASKI, gave nearly the Quranic conception of government when he praised federalism : " The structure of social organisation must be federal if it is to be adequated. It's pattern involves, not myself and the State, my groups and the State, but all these and other inter-relationship. Because society is federal, authority must be federal also."

Actually Islam started with the Nation-State theory. The exponents of *Mouadadi school of thoughts* and other *fanatic thinkers* are even today insisting for a Nation-State theory. As they are shortsighted, they do not see that Islam in fourteen centuries has spread far and wide and Islamic polity has not been

able to remain the " final unit of social organisation." It cannot be. As Laski explains : " Its power as a sovereign body represents a phase only of historic experience, and the pressure of world-force has already made its sovereignty obsolete for any creative purpose. The Nation-State is entitled to autonomy in all concerns of which the incidence is obvioulv local, but immediately what it wants and does impinges upon the interests of the larger world outside."

The Russian Features.

The Soviet Constitution has had three changes since 1919. In its new form, amended by the Supreme Soviet of the U. S. S. R., in 1947, it gives powers to the Central Government (higher organs of State Power and organs of State administration) almost similar to those proposed in Pakistan's Basic Principle's Committee Interim Report, except in the matter of education and public health, which in the Soviet Union are also assigned to the Central Government.

Education is the best means to flourish unity, descipline and faith in the State. Education as a national policy must always be a centrigual force. A uniform educational policy for the whole nation is absolutely necessary if the unity of thought is to be retained. It is also necessary to have one educational system throughout the federal state so that all citizens may reap the similar benefit and may be provided with similar opportunities. Pakistan's

central thought being Islam, it becomes all the more essential that educational policy as means of nation-building should be the Central subject. At the same time, the provinces or units of Pakistan, like those in the Soviet Union, should have powers to develop their linguistic cultures based on foundational traditions. In the Soviet Union, there is one common state language uniting all the peoples of the federation but there are languages of the units and sub-units which are all recognised as living and official languages of those particular regions. Thus there are two languages enforced everywhere. One is the State language which unites the peoples of all units into one common nationhood and conveys the centrifugal philosophy of life and the other is the local language, which keeps alight the torch of local character in the unit.

The Soviet Union is fundamentally a Federation of voluntary unions between sixteen republics. Each unitary State exercises state authority independently outside the central or federal subjects. The federal government accepts all the units as Republics with sovereign rights and gives them full protection.

" Each Union Republic (unit) has its own constitution, which takes account of the specific features of the Republic and is drawn up in full conformity with the constitution of the U. S. S. R.

" The right freely to secede from the U. S. S. R., is reserved to every Union Republic.

" The territory of a Union Republic may not be altered without its consent.

" Each Union Republic has the right to enter into direct relations with foreign States and to conclude agreements and exchange diplomatic and consular representatives with them.

" Each Union Republic has its own Republican military formations.

" The laws of the U. S. S. R. have the same force within the territory of every Union Republic.

" In the event of divergence between a law of a Union Republic and law of the Union, the union law prevails.

" Uniform Union citizenship is established for citizens of the U. S. S. R."

" Each citizen of a Union Republic is a citizen of the U. S. S. R."

The main matter in which we have differed in our proposals with that of the articles of the latest Soviet constitution and with which we cannot compromise is the right to secede from the federal government, reserved to every unit. THE SPIRIT OF SECESSION IS FUNDAMENTALLY OPPOSED TO THE ISLAMIC POLITY. Pakistan is overwhelming inhabited by a people having a common outlook of life. It is a spiritual force which does not recognise the provincial, racial or national barriers between *man and man*. In Pakistan, we are citizens of a Muslim State, thus we are Muslims first and Pakistanis afterwards. Our's is a unity born out of

a spiritual movement and not a voluntary union. We see that in practice the Soviet Union has not yet extended the right of secession to its units because otherwise it would not have assigned the clause regarding the foreigners to the Federal Union. It would have given full freedom of association with non-Russian States to the Union Republics as well.

Similarly, the right of a unit to enter into direct relations with foreign states and to conclude agreements and exchange diplomatic and consular representatives with them, is very limited indeed in actual practice. If Pakistan wanted to enter into direct relations with the Muslim Republics of the U. S. S. R., she could not do so.

However, this article with its full implications will be worth studying for our constitution makers. If these independent relations and treaties may be brought in line with the international policies of the Federal Government, and are in harmony with the international relations of the Central Government and guided by the federal policy in this respect, Pakistan will gain one more vote in international councils and the weight of its united voice will be weightier than any other Middle East and Central Asian State. What we want is independent relationship and treaties between our two units (North-Western and Eastern) and foreign States in unity of our Central thought which will increase the mutual gains of both the Federal government and the two geographically separated units.

On one point, the Soviet Constitution is very clear. It considers the ' consent ' of the unit necessary for any territorial alteration. It does not propose tribunals or courts decisions to settle any dispute regarding territory. It must be consent. We have already suggested system of ' refrendum ' to be introduced in Pakistan.

The important fact is that Islamic conception as understood by the Quranic injunctions fully supports the popular modern view of the federalists that " no constitution can contain a clause for the dissolution of the state it creates, nor can it legally permit it."

This is the sum up of the ' Spirit of Pakistan. ' Once we succeed in infusing this *Spirit* into our body-politic, it will be no more difficult for us to formulate the Executive and Legislative Powers for the State machinery,